

OVERSIGHT OF THE NATIONAL HIGHWAY  
TRAFFIC SAFETY ADMINISTRATION

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON DIGITAL COMMERCE AND  
CONSUMER PROTECTION  
OF THE  
COMMITTEE ON ENERGY AND  
COMMERCE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

FEBRUARY 14, 2018

**Serial No. 115-98**



Printed for the use of the Committee on Energy and Commerce  
*energycommerce.house.gov*

U.S. GOVERNMENT PUBLISHING OFFICE

30-061

WASHINGTON : 2018

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## **OVERSIGHT OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**WEDNESDAY, FEBRUARY 14, 2018**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON DIGITAL COMMERCE AND CONSUMER  
PROTECTION,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:04 a.m., in room 2123, Rayburn House Office Building, Hon. Robert Latta, (chairman of the subcommittee) presiding.

Present: Representatives Latta, Kinzinger, Burgess, Upton, Lance, Guthrie, McKinley, Bilirakis, Bucshon, Mullin, Walters, Costello, Walden (ex officio), Schakowsky, Cárdenas, Dingell, Matsui, Welch, Kennedy, Green, and Pallone (ex officio).

Staff Present: Mike Bloomquist, Deputy Staff Director; Daniel Butler, Staff Assistant; Kelly Collins, Legislative Clerk, Energy/Environment; Melissa Froelich, Chief Counsel, DCCP; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, O&I, DCCP; Elena Hernandez, Press Secretary; Paul Jackson, Professional Staff, DCCP; Bijan Koohmaraie, Counsel, DCCP; Mark Ratner, Policy Coordinator; Madeline Vey, Policy Coordinator, DCCP; Greg Zerzan, Counsel, DCCP; Michelle Ash, Minority Chief Counsel, Digital Commerce and Consumer Protection; Jeff Carroll, Minority Staff Director; Evan Gilbert, Minority Press Assistant; Lisa Goldman, Minority Counsel; Zach Kahan, Minority Outreach and Member Services Coordinator; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Caroline Paris-Behr, Minority Policy Analyst; and Michelle Rusk, Minority FTC Detailee.

### **OPENING STATEMENT OF HON. ROBERT E. LATTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Mr. LATTA. Good morning, I would like to call the Subcommittee on Digital Commerce and Consumer Protection to order. The chair now recognizes himself for 5 minutes for an opening statement.

I would like to begin by recognizing someone who is sadly not with us today. Last week, the Energy and Commerce Committee lost our staff director, Ray Baum, after a year's long battle with cancer. Ray was a dedicated public servant both here in Washington and at home in Oregon, an exemplary leader on the committee and a good friend. Our thoughts and prayers are with his family during this difficult time.

In that vein, again, let me thank you for being here today. Welcome, again, to the subcommittee's hearing today on oversight of the National Highway Traffic Safety Administration, NHTSA. The Deputy Administrator, Heidi King, is here to update the committee on many important safety issues at NHTSA.

Oversight of agencies within the committee's jurisdiction is critical, we thank you, again, Ms. King, for appearing before us to discuss NHTSA's priorities and answer questions.

NHTSA was established by Congress in 1970 to oversee motor vehicle safety, and it is tasked with reducing traffic-related deaths incurred, injuries, and economic losses. NHTSA accomplishes its vehicle safety mission through three major programs: setting motor vehicle safety standards, enforcement of investigating motor vehicle defects in administering its recall program, and research data collection and data analysis. Today, the mission remains to keep drivers safe. All the tools at NHTSA's disposal are important, including recent updates to IT infrastructure within the Office of Defect Investigations.

In recent years, our country has seen an unacceptable rate in traffic fatalities. In 2015, traffic deaths rose by 7.7 percent, and in 2016, we lost more than 37,000 individuals on our roadways. This 2-year increase is the most dramatic escalation in traffic fatalities in more than 50 years. According to NHTSA, the three main causes of accidents are, one, people not wearing their seat belts; two, impaired driving, either drunk or drugged driving; and, three, driver error. Ninety-four percent of all accidents are due to human error. We need to continue to work to find real-world solutions that reduce risk and save lives.

Technology plays an important role in improving motor vehicle safety, and we are seeing more and more advanced safety features in cars on the road today. Over a year ago, this subcommittee began a review of these new automated features and then expanded to examining the path to self-driving vehicle technology here in the United States. After three hearings, two markups, and hundreds of meetings, we passed the SELF DRIVE Act 54 to zero out of this committee, and the House voice voted to approve the bill last September. We will continue to work to get the bill to the President's desk. We know this technology will not wait for the government to catch up. As other countries work to surpass the U.S. in the race for self-driving technology, we are going to make sure that this incredible innovation, and the high-quality jobs it brings, stays here at home.

With that background, it is encouraging to see the continued focus at NHTSA on self-driving technology and the potential benefits to improve safety. When this process began, the first Federal automated vehicle policy outlined one of the basic principles that laid the foundation for the SELF DRIVE Act. NHTSA is the national safety regulator for the design, construction, and performance of motor vehicles. This is true today and should remain true as we transition to a fleet that includes self-driving cars.

Turning to driver impairment, I applaud the agency's recent announcement of an initiative to combat drugged driving. According to recent reports, drivers killed in a car crash in which drugs were detected surpassed those killed in crashes where only alcohol was

involved. In 2015, 43 percent of fatal crashes involved drugs, compared to 37 percent involved alcohol.

The opioid crisis is having a fatal impact in my district and in every state across the country. In 2016 alone, 4,050 people lost their lives in Ohio due to unintentional drug overdoses. I have been active in this committee and in my district working on this epidemic. The opioid crisis in America is far reaching and devastating to families, communities. Combating the epidemic is an all-hands-on-deck effort, and part of it includes examining drugged driving initiatives, like improving roadside detection supporting law enforcement. We stand ready to help our communities address all aspects of the opioid crisis and save lives. We are also continuing to deal with the Takata recall, thus the scope and complexity of this recall has resulted in recall completion rates lower in a pace slower than has been frustrating both as a lawmaker and as a consumer.

With recalls scheduled in 2020, I look forward to an update on the status of this recall and any lessons learned by NHTSA that can be used in future recalls. I encourage consumers to visit [safercar.gov](http://safercar.gov) to check if their car is subject to a recall.

Deputy Administrator King, thank you again for being with us today, and I look forward to working with you on these many important issues.

And, with that, I would like to call on the gentlelady from Illinois, the ranking member of the subcommittee, for her opening statement.

[The prepared statement of Mr. Latta follows:]

#### PREPARED STATEMENT OF HON. ROBERT E. LATTA

Good morning. I would like to begin by recognizing a major loss to the Energy and Commerce Committee with the passing of Ray Baum late last week. Ray was a dedicated public servant both here in DC and at home in Oregon. My thoughts and prayers are with his family during this difficult time. Mr. Chairman, as you said, we will honor his legacy by continuing the work of the committee following his example: with graciousness and honor.

Welcome to the Digital Commerce and Consumer Protection Subcommittee's hearing "Oversight of the National Highway Traffic Safety Administration (NHTSA)." The Deputy Administrator, Heidi King, is here to update the committee on many important safety issues at NHTSA. Oversight of agencies within the committee's jurisdiction is critical. Thank you, Ms. King, for appearing today to discuss NHTSA's priorities and answer questions.

NHTSA was established by Congress in 1970 to oversee motor vehicle safety, and is tasked with reducing traffic-related deaths, injuries and economic losses. NHTSA accomplishes its vehicle safety mission through three major programs:

- Setting motor vehicle safety standards or FMVSS;
- Enforcement by investigating motor vehicle defects and administering its recall program; and
- Research, data collection, and data analysis.

Today, this mission to keep drivers safe is as important as it has ever been. All of the tools at NHTSA's disposal are important, including recent updates to IT infrastructure within the Office of Defect Investigations. In recent years, our country has seen an unacceptable rise in traffic fatalities. In 2015, traffic deaths rose by 7.7 percent and in 2016, we lost more than 37,000 individuals on our roadways—a 5.6 percent increase. This 2-year increase is the most dramatic escalation in traffic fatalities in more than 50 years.

According to NHTSA, the three main causes of accidents are:

- (1) people not wearing their seatbelts;
- (2) impaired driving (drunk or drugged driving); and
- (3) driver error. 94% of all accidents are due to human error.

We need to continue to work together to find real-world solutions that reduce these risks and help save lives.

Technology plays an important role in improving motor vehicle safety, and we are seeing more and more advanced safety features in cars on the road today. Over a year ago, this subcommittee began a review of these new automated features and then expanded to examining the path to self-driving vehicle technology here in the U.S. After three hearings, two markups, and hundreds of meetings, we passed the SELF DRIVE Act 54–0 out of this Committee and the House voice voted to approve the bill last September.

I would like to take this opportunity to thank all my colleagues on the subcommittee for their hard work in developing bills that were included in the final legislation. We will continue to work to get the bill to the President's desk this year because we know this technology will not wait for the government to catch up. As other countries work to surpass the U.S. in the race for self-driving technology, we want to make sure this incredible innovation, and the high-quality jobs it brings, stay right here at home.

With that background, it is encouraging to see the continued focus at NHTSA on self-driving technology and the potential benefits to improve safety. When this process began, the first Federal Automated Vehicle Policy outlined one of the basic principles that laid the foundation for the SELF DRIVE Act:

- NHTSA is the national safety regulator for the design, construction, and performance of motor vehicles.

This is true today and should remain true as we transition to a fleet that includes self-driving cars.

Turning to driver impairment: I applaud the agency's recent announcement of an initiative to combat drugged-driving. According to recent reports, drivers killed in a car crash in which drugs were detected has now surpassed those killed in crashes where only alcohol was involved. In 2015, 43 percent of fatal crashes involved drugs compared to 37 percent that involved alcohol. The opioid crisis is having a fatal impact in my district and every state across the country. In 2016 alone, 4,050 Ohio residents died of unintentional drug overdoses. In October 2017, I held a forum in Defiance to bring people together from my district as well as representatives from DEA and HHS to discuss steps that can be taken to address this tragic epidemic.

The opioid crisis in America is far-reaching, and devastating to families and communities. Combating the epidemic is an all-hands-on-deck effort, and part of it includes examining drugged driving initiatives, like improving roadside detection and supporting local law enforcement. We stand ready to help our communities address all aspects of the opioid crisis and save lives.

One final ongoing issue that this subcommittee will be dealing with for years to come: the Takata recall. The scope and complexity of this recall has resulted in recall completion rates lower and at a pace slower than have been frustrating both as a lawmaker and as a consumer. With recalls scheduled into 2020, I look forward to an update on the status of this recall and any lessons learned by NHTSA that can be used in future recalls. I encourage consumers to visit [safercar.gov](http://safercar.gov) to check if their car is subject to recall.

Deputy Administrator King, thank you for being here today and I look forward to working with you on these and many other important issues.

#### **OPENING STATEMENT OF HON. JANICE D. SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Ms. SCHAKOWSKY. Thank you, Mr. Chairman.

Let me first say on behalf of the Democrats that we also mourn the loss of Ray, express gratitude to him for his great service to our committee and our country, and send our condolences to his loved ones.

Today, we have our first oversight hearing for NHTSA, the National Highway Traffic Safety Administration, under the Trump administration. NHTSA continues to be without a Senate-confirmed Administrator. In fact, the President has not even announced a nominee. Still, I am very pleased to welcome Deputy Administrator Heidi King and thank her for the opportunity she gave me to meet with her last November, and I look forward to continuing our conversation on innovation and safety.



NHTSA faces major challenges. For the past 2 years, traffic fatalities have increased, reversing years of progress. At the same time, the agency's resources are stretched thinner than ever, even as the staff is called upon to address today's safety challenges while preparing for the self-driving cars of tomorrow: more responsibility, less resources.

The SELF DRIVE Act, which passed the House last year with bipartisan support, requires NHTSA to create and carry out a plan for new and updated safety standards. Fulfilling that mandate requires staff with the experience and capacity to ensure safe development of new technologies.

Passage of AV legislation is just the first step. The long-term success of autonomous vehicles will be shaped by NHTSA. But NHTSA's work on autonomous vehicles cannot come at the expense of conventional vehicles. Consumers have been overwhelmed the last couple of years with recall announcements from Takata airbags to GM ignition switches. Recall effectiveness remains too low. We made progress in the FAST Act by restricting rental cars under open recalls. Unfortunately, auto dealers can still sell used cars under open recall.

Some auto dealers are even taking backward steps. In December 2016, AutoNation ended its pledge to not sell vehicles under open recall. AutoNation's CEO, Mike Jackson, explained: With the Trump administration, there is no way that that issue is going to be addressed from a regulatory point of view." So far, he has been proven right.

I have introduced the Used Car Safety Recall Repair Act to fix this problem. I have also pushed for imminent hazard authority and stronger penalties for violating safety standards. I would welcome the administration's support for these efforts.

As we push for further safety improvements, many rulemakings, including rulemakings directed by Congress, remain pending with no obvious progress over the last year. I will be seeking status updates on several of those rulemakings during my questions. I am worried about these delays because I know all too well how long it can take to get legislation put into effect. It has been a 10-year battle to get my legislation to prevent child backover deaths to be implemented. Finally, in 2018, backup cameras will be standard in all new passenger vehicles and lives will be saved.

I wonder what other safety improvements are stalled at NHTSA and will continue to be stalled by the administration's anticonsumer efforts to minimize new safety protections and how many lives will be lost in the meantime.

I am also concerned about this administration's rollback of energy efficiency standards adopted during the Obama administration. NHTSA is currently evaluating or I should say reevaluating the corporate average fuel economy standards for model years. I guess I am not out of time. It is no mystery why CAFE standards are being reviewed. This administration has bowed to industry pressure to lower them. I have also seen reports that changes to the standards could extend to model year 2021 and 2026. Maybe we will get some clarity on that today. Otherwise, we will see what happens when the new proposal comes out on March 30.

Strong fuel economy standards drive innovation, as we have seen what the tremendous gains in fuel efficiency since the CAFE program began. I hate to see us reverse that. So, Ms. King, I want to thank you for being here today. I look forward to working with you on all of these issues as long as you are in that role. I hope you share my sense of urgency in improving the safety and efficiency of America's vehicles.

Thank you. And I yield back.

Mr. LATTA. The gentlelady yields back.

And the chair now recognizes the gentleman from Oregon, the chairman of the full committee, for 5 minutes.

**OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. WALDEN. Well, thank you, Mr. Chairman.

And I join my colleagues on this committee in honoring and remembering Ray Baum, my dear friend and an incredible public servant and family man. We all miss him, his humor, his great commitment to public service, his intellect. And to quote Ray: "It's good to have you out." That was one of his phrases he would greet us with every day. And "The fun never stops." And I think he would want us to keep that going. So I appreciate the words of my colleagues.

This morning, we begin a series of oversight and budget-related hearings across the jurisdiction of the Energy and Commerce Committee. It is essential that this side of the government, the legislative branch, and the American public knows what is going on in the Federal agencies. And so we appreciate the Deputy Administrator for being here. You are first up in this multiweek effort now that we will have before the committee. We are glad you are here and glad of the work you are doing at NHTSA.

Safety on our roadways, as you have heard and you know, is something we all care deeply about. With a record number of traffic fatalities on the rise, increasing to more than 37,000 in 2016, it remains critical to evaluate NHTSA's efforts to keep our Nation's roadways and vehicles safe.

With a growing number of devices and services designed to keep Americans constantly occupied, distracted driving is a real issue. In Oregon, there were over 4,000 distracted driving crashes back in 2014 alone. My hunch is that has probably just gotten worse since then. Ninety-four percent we are told of those traffic-related crashes are due to human error. We have talked about the work that we did on a bipartisan basis with Mr. Pallone, Ms. Schakowsky, and others. A generation from now will look back, if our SELF DRIVE Act gets into law and collision avoidance gets into law, and point out these figures, and they will say: What a bunch of barbarians; you drove yourselves in? How did you text? How did you phone call?

And so we need to move forward with our SELF DRIVE Act. We have done it in the House. We put a lot of work into that. I came to what I thought was really a solid piece of public policy and passed it I think unanimously in the House. And now we need to get it all the way down to the President's desk to have national standards and improve our roadways and give us safety.

There are a couple of other issues dealing with recall you will hear about today, whether it is Takata airbags and where we stand on that, or just the recall issues overall. I would appreciate an update on the agency's ongoing efforts in the recall of Takata airbags.

Next steps, lessons learned for the next stages of this massive, unprecedented, I would argue, recall. This recall would be ongoing through 2020 I am told. We need to make sure that consumers have all the information they need to get their airbags replaced as quickly and safely as possible. Safercar.gov has a search tool you can use if your car has any open recall. So safercar.gov.

And looking at the recall issue on a broader scale, I am also very interested in hearing about efforts to improve the secondary market players' ability to identify and remove recalled parts from the supply chain. I recently met with some folks in Oregon who are very involved in this effort. They are very frustrated about how the current system works and believe there must be a simpler way where you can scan the VIN number and be told whether there are parts on this car that should not be put into the supply chain or, if they are, taken out. So I know you have had discussions about the ability for stakeholders to search multiple VINs at once or batch searches. So any updates you can provide the committee on NHTSA-led or industry-led efforts on this front would be greatly appreciated, because it is critical we continue to improve this recall process at every level of the supply chain.

America's roadways are the backbone of our Nation, apart from being a way to get from point A to B, safely traveling for business, family vacation, whatever we do out there is critical to all of us. And so NHTSA plays an incredibly important role in this effort. And we look forward to working in partnership between the Congress and the administration to move forward with our SELF DRIVE Act and continue to improve roadway safety for our Nation's drivers.

And so, Deputy Administrator King, thank you for being with us today.

And, with that, Mr. Chairman, I yield back and confess that there is another hearing going on I need to give an opening statement for as well. And so I will be in and out. But thank you for holding this hearing and kicking off this effort.

With that, I yield back.

[The prepared statement of Mr. Walden follows:]

#### PREPARED STATEMENT OF HON. GREG WALDEN

Thank you, Chairman Latta. This morning we begin a series of oversight and budget-related hearings across the jurisdiction of the Energy and Commerce committee. It is essential that we in Congress, and more importantly the American public, know what is going on at federal agencies. Today, we will hear from Deputy Administrator King about the National Highway Traffic Safety Administration's (NHTSA) priorities and safety initiatives.

Safety on our roadways is a national imperative. With the number of traffic fatalities on the rise—increasing to more than 37,000 in 2016, it remains critical to evaluate NHTSA's efforts to keep our Nation's roadways and vehicles safe. With the growing number of devices and services designed to keep Americans constantly occupied, distracted driving has become a serious problem.

In my home State of Oregon, there were over 4,000 distracted driving crashes in 2014 alone. In total, ninety-four percent of traffic-related crashes are due to human error.

We all have stories about our commutes to the office or around our district, and what people will do while also trying to drive. Technology, responsibly developed, has the potential to transform the driving operation and reduce risks from distraction and impairment.

This subcommittee worked with a wide range of stakeholders, over many months, and ultimately the full committee reported the bipartisan SELF DRIVE Act—54–0. The House passed the bill a few weeks later without opposition. We did not let the chance to save lives and support American innovation pass us by, and I remain committed to moving this legislation to the President's desk this year. I would like to thank Chairman Latta, Ranking Member Schakowsky, Rep. Upton, and Rep. Dingell for their work on this important legislation.

The SELF DRIVE Act will provide companies with greater flexibility to test and generate data for the development of self-driving cars and, importantly, clarifies NHTSA's role as the national safety regulator.

Not only will these vehicles make our roadways safer, they also have the potential to improve mobility for the elderly and disabled and increase transportation access for rural and traditionally underserved communities.

Turning to another issue that is impacting every district in the country—the opioid crisis. I look forward to hearing more about the recently announced Drugged Driving Initiative at NHTSA. Driving under the influence of prescription opioids and marijuana now causes more traffic fatalities than driving under the influence of alcohol.

This is a prime example of an issue where federal leadership is valuable to bring together stakeholders, such as law enforcement and other community leaders, to find a way to protect people on our roads and combat the opioid crisis.

While there are new opportunities on the agenda for NHTSA, the agency still faces many challenges. Recall completion rates, including the ongoing Takata recall, continue to be an area where we encourage improvement. The complexity of the Takata recall only seems to grow, and even this week there is another expansion of “do not drive” warnings.

I would appreciate an update on the agency's ongoing efforts in the Takata recall, next steps, and lessons learned for the next stages of the recall. This recall will be ongoing through 2020, and we need to make sure that consumers have all the information they need to get their airbags replaced as quickly and safely as possible. SaferCar.gov has a search tool so you can see if your car has any open recalls.

Looking at the recall issue on a broader scale, I am also interested hearing about efforts to improve secondary market players' ability to identify and remove recalled parts from the supply chain. There have been discussions about improving the ability for stakeholders to search multiple VINs at once, or batch searches. Any updates on NHTSA-lead or industry-lead efforts on this front would be greatly appreciated. It's critical we continue to improve the recall process.

America's roadways are the backbone of our Nation. Far from just being a way to get from point A to point B, safely traveling, for business, family events, vacation, or simply running errands, is a necessity for families across the country. We must continue working together to encourage innovation, promote best practices, and be at the forefront of technological advances in the auto industry. Progress is critical to enhance vehicle and roadway safety for our Nation's drivers. I want to thank Deputy Administrator King again for being here today and I look forward to this important safety discussion.

Mr. LATTI. Thank you very much.

The gentleman yields back. The chair now recognizes the gentleman from New Jersey, the ranking member of the full committee, for 5 minutes.

**OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. PALLONE. Thank you, Mr. Chairman.

Today marks the first time someone from the Trump administration is testifying before this subcommittee. I thank Deputy Administrator King for being here. This is important for oversight and accountability.

It is particularly important for this authorizing committee to hear from NHTSA, the agency responsible for automobile safety. Last year, the House passed a bipartisan bill, written by this committee, that would ensure that, as autonomous vehicles are becoming more prevalent on our roads, that proper rules are in place. And specifically the House bill requires NHTSA to update and issue new standards to accommodate self-driving cars. Unfortunately, that bill was passed with zero input from the administration on how or whether it could be implemented. And there are legitimate concerns that NHTSA is not prepared and is not keeping up with the quickly changing automotive industry. It is troubling that NHTSA does not have the resources, people, or expertise it needs to fulfill its mandate. It is also concerning that the administration clearly does not see this agency as a priority as we have yet to hear about a possible nomination for the role of NHTSA Administrator.

Investigations by this committee have demonstrated how ill-prepared NHTSA is today. During this committee's investigation of sudden intended acceleration, we learned that NHTSA did not have expertise in emerging technologies with little to no electrical or software engineers on staff.

Then, during the ignition switch investigation, we found that NHTSA did not understand the link between the power mode status and the air bag system. What is more, at the same time as we are working to nudge NHTSA into the 21st century, the current administration is doubling down on a hands-off approach. In February of last year, the President issued an executive order requiring agencies to make recommendations to repeal, replace, or modify regulations. Then, in March, the President signaled that he was going to loosen fuel standards. And just last month, the Secretary of Transportation announced that she is working on a Federal automated vehicle policy 3.0 to "remove regulatory barriers for autonomous vehicles." And this announcement came just 4 months after Secretary Chao released version 2.0, which already loosened agency guidance.

It is hard for me to understand how the administration is moving forward with an effort to get rid of important safety and environmental standards when NHTSA has not even finalized several important standards that became law in 2012 and 2015. And these include a rulemaking on rear seatbelt reminders and one to improve protection of children seated in car seats during side impacts. NHTSA should prioritize completing these important rules that are critical to the safety of passengers.

Safety is also essential when it comes to autonomous vehicles. It is a great time to be in the automotive industry and to be participating in its technological evolution. The work on self-driving cars is fascinating and promising. Some vehicles on the road today can self-park and automatically brake. And while it is important that we hear from NHTSA about how it is getting the tools and skills necessary to deal with the ever-changing landscape, I want to make sure NHTSA is doing what it must to ensure safety now.

In 2016, more than 37,000 people were killed on U.S. roads. That is an increase of 5.6 percent from 2015. And 2015 saw a 7.2-percent increase over 2014 numbers. And this trend is troubling. Cars are

part of our everyday lives. We depend on them to get us where we need to go. We count on NHTSA to ensure that they are safe and fuel-efficient. And I am pleased that Deputy Administrator King was brought on board at NHTSA in the fall. I urge the nomination of an Administrator so that the agency has the full leadership needed to deal with the many exciting but challenging tasks ahead at NHTSA.

I look forward to continuing our discussion about how NHTSA can work harder to stay with the curve, if not ahead of it. I have about a minute left that I would yield a minute to Congresswoman Dingell, of course.

Mrs. DINGELL. Thank you, Mr. Pallone. I am grateful to you, Ranking Member.

Deputy Administrator King, welcome to the committee, and it was great to see you in Detroit. I am just going to add comments to those that have been made by all of my colleagues about self-driving cars, which do have the promise to save lives, decrease congestion, and improve access to mobility services to seniors and the disabled if we get the policy right. As everybody is saying here, we need to get it right.

But to be competitive, we have got to make sure we have a flexible framework that is going to keep up with the changing technology. And we have got to make sure we are staying at the forefront of innovation technology and that we are developing it here, not in China or India. At the same time, we need to make sure that safety is always number one. So thank you for being here. I look forward to working with you. We are not going to let this be built anywhere else. We need to work with you to make sure it is on the road and we are keeping everybody safe. Thank you.

Mr. LATTA. The gentlelady yields back.

And again, we want to thank our witness for being with us today and taking time to testify before the subcommittee.

Today's witness will have the opportunity to give a 5-minute opening statement followed by a round of questions from the members. Our witness for today's hearing is Ms. Heidi King, the Deputy Administrator of the National Highway Traffic Safety Administration.

Ms. King, you are recognized for 5 minutes for your opening statement.

**STATEMENT OF HEIDI KING, DEPUTY ADMINISTRATOR,  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

Ms. KING. Good morning, Chairman Latta, Ranking Member Schakowsky and Members of the subcommittee. I am truly honored to testify before you today. I am proud to have served the members of this committee through the 112th session of Congress, one of the highlights of my career.

Before I begin, I would like to extend my sympathies to the committee and its members for the loss of Mr. Ray Baum. Ray was a wonderful colleague, an extraordinary individual. We mourn his passing and are very much—I am before you today inspired by his humor, his resilience, and his commitment to public service.

Today, I am excited to tell you how NHTSA is acting its mission of saving lives, preventing injuries, and reducing economic costs. As

the automotive transportation landscape is changing at a rapid pace, NHTSA is adopting and adapting our mission of execution to assure safety while remaining in step with these changing technologies, addressing new and emerging risks, and encouraging industry innovation. Safety is and safety remains the Department's top priority.

As you mentioned, 37,461 lives were lost in 2016. Combined with an increase the prior year, these losses of life represent the largest proportionate increase in highway fatalities in my lifetime. The loss of life is, I believe we all agree, unacceptable. The rise in fatalities has occurred during a time of great change in the transportation landscape. More Americans are choosing to bicycle, to walk, to rideshare. Both our vehicles and our roadways, the way we interact with them are evolving at a rapid pace.

As the average lifespan of motor vehicles increases, Americans are keeping older cars than ever before. We know newer cars are safer. The occupant of a newer car is much more likely to survive a crash than the occupant of an older car. This underscores why it is so incredibly important to ensure that all Americans have access to safe, affordable, and fuel-efficient vehicles.

Adapting to changes is how Americans travel. NHTSA will continue to employ risk-management best practices across all of our activities to identify, to assess, mitigate and continuously improve our management of highway safety risks. One of the emerging risks that NHTSA is fully committed to mitigating is the problem of drug-impaired driving. We know that many people switch between use of alcohol and illicit drugs or consume them together. And we need to consider both drugs and alcohol in addressing the serious problem of impaired driving on our roadways. To that end, NHTSA has announced an initiative to strengthen the strategies necessary to reduce drug-impaired driving on our Nation's roads. Next month, NHTSA will launch the national dialogue in a Call to Action, a national summit that will bring together experts and stakeholders to share best practices and identify near-term and longer term strategies to save lives.

This effort is intended to build upon the previous work of the agency and will complement the work of our state and local partners. We are all in this together.

I have heard from members of this subcommittee that you share our concern and you have offered support for this initiative. I am tremendously grateful for your partnership in this endeavor, and I look forward to working with you.

In our changing landscape, in addition to changing preferences and an emerging drug-impaired driving risk on our roadways, NHTSA is committed to assuring safety while also encouraging advances in innovation and automation and in changing automation technology. Last September, Secretary Elaine L. Chao released A Vision for Safety 2.0, our new voluntary guidance to encourage safe introduction of emerging automated technologies on our roadways. A Vision for Safety paves the way for the safe testing and deployment of automated driving systems by encouraging best practices for manufacturers, and also for state and local governments, and by fostering open communication between the public, industry, and various stakeholders.

Secretary Chao has also announced that we are at the Department of Transportation already working on an updated guidance, 3.0, which will be released later this year, and that will further facilitate the adoption of automated driving systems through a holistic and multimodal framework.

We at NHTSA are excited by the benefits that automated technologies can bring to safety, mobility, and the efficiency of our transportation networks. And we look forward to hearing from the public, Members of Congress, and industry in the coming months on how we can further reduce barriers to accelerate the safe deployment of potentially lifesaving technologies.

As the technologies change, consumer choices evolve and social trends continue. You have the commitment of each member of the NHTSA team that we will prioritize our mission in all that we do to save lives, to prevent injuries, and to reduce the economic cost of traffic crashes. Thank you, and I look forward to your questions.

[The prepared statement of Ms. King follows:]



Testimony of  
Heidi King, Deputy Administrator  
National Highway Traffic Safety Administration

Before the  
Subcommittee on Digital Commerce and Consumer Protection  
Committee on Energy and Commerce  
U.S. House of Representatives

“Oversight of the National Highway Traffic Safety Administration”  
February 14, 2018

Good morning Chairman Latta, Ranking Member Schakowsky, and Members of the Subcommittee. I am truly honored to testify before you today. I am proud to have served the Members of this Committee through the 112<sup>th</sup> session of Congress.

Today, I am excited to tell you about how NHTSA is acting on its mission of saving lives, preventing injuries, and reducing economic costs. As the automotive transportation landscape is changing at a rapid pace, NHTSA is adapting our mission execution to assure safety while remaining in step with changing technology, addressing new and emerging risks, and encouraging industry innovation.

Safety is the Department of Transportation’s top priority.

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37,461 lives were lost in motor vehicle crashes in 2016. Combined with an increase the year prior, this represents the largest proportionate increase in highway fatalities in my lifetime. The loss of life is unacceptable.

This rise in fatalities has occurred during a time of great change in our transportation landscape. More Americans are choosing to bicycle, to walk, and to rideshare. Both our vehicles and our roadways, and the way we interact with them, are evolving at a rapid pace.

As the average lifespan of motor vehicles increases, Americans are keeping older cars more than ever before, although we know that newer cars are safer: an occupant of a newer car is much more likely to survive a crash than an occupant of an older car. This underscores why it is so incredibly important to ensure that all Americans have access to safe, affordable, fuel-efficient vehicles.

Adapting to changes in how Americans travel, NHTSA will continue to employ risk management best practices across all of our activities to identify, assess, mitigate and continuously improve our management of highway safety risks.

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We know that many people switch between alcohol and drugs, or consume them together, and we need to consider both drugs and alcohol in addressing the very serious problem of impaired driving.

To that end, NHTSA has announced an initiative to strengthen the strategies necessary to reduce drug-impaired driving on our nation's roads. Next month, NHTSA will launch the national dialogue in a 'Call to Action' – a national summit that will bring together experts and stakeholders to share best practices and identify near term and longer term strategies to save lives.

This is intended to build upon the previous work of the Agency and complement the efforts of our state and local partners.

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Secretary Chao has announced that the Department of Transportation will release updated guidance – version 3.0 – later this year, which will further facilitate the adoption of automated transportation systems through a holistic, multi-modal framework. We are excited by the benefits automated technologies can bring to safety, mobility, and the efficiency of our transportation networks, and we look forward to hearing from the public, Members of Congress, and industry in the coming months on how we can further reduce barriers to accelerate the safe deployment of potentially life-saving technologies.

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As technology changes, consumer choices evolve, and social trends continue, you have the commitment of each member of the NHTSA team that we will prioritize our mission in all that we do: To save lives, prevent injuries and to reduce the economic costs of traffic crashes.

Thank you, and I look forward to your questions.

Mr. LATTA. Thank you very much for your testimony today.

And, with that, we will move into our question-and-answer portion of the hearing. I will begin the questioning and recognize myself for 5 minutes.

Ms. King, safety is NHTSA's number one priority. How do you see the agency fulfilling its mission with limited resources moving forward?

Ms. KING. Very good. Thank you for asking. Our resource question is addressed by the President's budget, which was issued on Monday. It can be described briefly as two-thirds grant programs and one-third divided between highway and vehicle safety. The two-thirds grant funding request represents our partnership with states and the fact that the highway safety is where the rubber hits the road, which is in our communities, in our states. The remaining one-third, divided between highway safety, behavioral, such as drug-impaired driving or driver awareness programs, and vehicle safety to allow us to continue to assess the engineering design and safety and defects components of our program.

In addition, the budget represents a shift towards increasing focus on the emerging technologies, our engineers are hard at work to remain in step with the changing technologies. And we are very excited about the safety promise they bring.

Mr. LATTA. Thank you.

With the self-driving vehicle technology, as you have heard, we brought through this committee—is a priority of not only the subcommittee but also the full committee, as you know or as you have heard. Throughout NHTSA's guidance on self-driving technology, NHTSA has reaffirmed its role as the national safety regulator of vehicles. How important do you believe it is that NHTSA remain the safety regulator for current and future automotive technologies?

Ms. KING. It is, chairman, it is the law of the land. NHTSA is responsible for the design, construction, and performance of all motorized vehicles in the United States.

Mr. LATTA. Well, one of the things that we saw with the legislation is—when we are talking about preemption, and as a lot of states are out there trying to do their own thing, we believe is very, very important and that you believe that we have that one standard set forth. And so what would you say to all the states out there that are maybe right now either legislating or promulgating their own rules?

Ms. KING. We have had a very rich dialogue with the states. Each dialogue I have had with the states, we all understand that NHTSA is responsible for vehicle design, performance, and construction. The states will remain responsible for the safe operation of those vehicles on the roads and the licensing of drivers. The traditional division of responsibilities at the state and Federal level has continued and will continue under the existing law.

Mr. LATTA. Thank you. As we have talked about today and you have heard from individuals from this community, the opioid crisis is just that: it is a crisis or an epidemic across our country. We are now learning how many people are driving under the influence of not just alcohol but drugs. You mentioned NHTSA's drugged-driving initiative. Can you explain your goals for this program?

Ms. KING. Absolutely. The crisis is heartbreaking for those of us who have worked in public safety and have been with drivers at the time of an accident, some of whom are losing their lives. It is unacceptable that we have the continued loss of life and the proportionate increases recently.

One of the points that has struck me since coming to NHTSA 20 weeks ago is that the data is actually fairly scant. The crisis of drug use in the U.S. has come upon us so quickly, we do not have adequate nationally representative data sets. But we do have data sets in certain regions. We do understand that crisis that is upon us. The initial goal is to start using the expertise where people are starting to win, starting to solve the problem, and make sure, in the near term, best-practice sharing helps us save lives today.

But that is not all the initiative is. I see the need for us to set a path toward what we need to accomplish in the middle and long term so that the Nation is on a path toward the creation of the data, the processes and the systems we need to combat drug-impaired driving as well as alcohol-impaired driving. The dialogue begins on March 15, and I look forward to having more information to share after hearing from our experts and stakeholders.

Mr. LATTA. Thank you.

In my last 44 seconds, NHTSA issued another consumer safety advisory and Takata recall with increased “do not drive” warnings for certain Ford and Mazda models. Consumers should check the [safercar.gov](http://safercar.gov) to see if their car is included in this recall.

In my last 30 seconds here, could you provide us with an update on the Takata recall and what other steps consumers should take to protect themselves?

Ms. KING. Yes, absolutely. To remind consumers that most airbags save lives, thousands of lives are saved each year, but there is a set of airbags that are dangerous. And in fact, the “do not drive” order that was issued on Monday reflects that there is a set of airbags that can explode and hurt people. So we encourage people to, first of all, check the website—we would recommend [www.nhtsa.gov](http://www.nhtsa.gov)—entering their VIN and understand whether their vehicle is one of the life-saving, one of the good airbags that we all keep operating in our vehicles, or one of the sets that needs to be replaced. I encourage people to reach out to their dealership for a free replacement. If subject to the “do not drive” order or the “do not drive” recall on Monday, that they do not drive, but in fact a tow truck will come pick up their car and fix it for them to make it safe again.

Mr. LATTA. Well, thank you very much.

My time has expired. And I would like to at this time recognize the gentlelady from Illinois, the ranking member of the subcommittee, for 5 minutes.

Ms. SCHAKOWSKY. Thank you so much.

In September, the House passed, and we have been talking a lot about it, the SELF DRIVE Act to promote the safe deployment of self-driving cars. There was a GAO report last November that found that the Department of Transportation is actually not prepared to address the coming safety and infrastructure challenges from self-driving cars. You talked about something that is happening later this year, but all we have really seen so far are vol-

untary guidelines to industry. So when will NHTSA or DOT issue a comprehensive set of priorities for rules on autonomous vehicles and a detailed roadmap for implementation?

Let me just point out that DOT said that such a plan would be premature. I disagree. The autonomous technology is already here. So when are we going to see priorities for rulemaking?

Ms. KING. Ranking Member Schakowsky, thank you for that question. I would quote Congressman Pallone in saying it is important to stay with the curve and not ahead of it. We feel very strongly that the technologies are still emerging. I would refer back to my experience as a research scientist at the old Bell Labs at Telcordia Technologies. We were, in the year 2000, thinking about the emergence of telecom, what will telephones be like when we have 3G and 4G on our phones? We made some predictions. Some of them were right; some of them were wrong. That gives me a humility about our ability not only to predict how the technology will evolve to contribute to safety but also how consumers will adopt it.

The voluntary adaptive, flexible approach to NHTSA has chosen and the Department of Transportation is choosing for all modes of transportation recognizes the importance of allowing the technology to evolve to best meet the needs of the safety community and also of consumers. So I look forward to continuing to work with you. It is very important to all of us clearly that we not only maintain safe roadways, but we allow the technology to evolve to improve the safety on our roadways.

Ms. SCHAKOWSKY. Actually, the quote was: I look forward to continuing our discussion about how NHTSA can work hard to stay with the curve, if not ahead of it.

So things are happening. I want to be sure that we are not only looking forward. It sounds like you are saying we are.

You also stated in your letter to the committee that NHTSA will continue to actively improve and advance safety here and now. So I have some here and now questions that look to me like NHTSA is not actually keeping up. It is years behind on a number of rulemaking, including some that were statutorily mandated. MAP-21 required a rule to better protect children and car seats during side-impact crashes. This rule is 2 years overdue. When will NHTSA issue the final rule?

Ms. KING. Ranking Member Schakowsky, we are completing research on that rulemaking now. I realize we are not moving at the speed that we would have liked to, but we believe that to protect our most vulnerable citizens—I am a mother myself—that we need to get it right rather than fast, and that did require some research before promulgation.

Ms. SCHAKOWSKY. Yes, but you know, it is 2 years overdue. I just want to make that point. We are talking about children.

Ms. KING. Yes, thank you.

Ms. SCHAKOWSKY. And crashes.

MAP-21 required NHTSA to write a rule on improving child-restraint-anchorage systems by 2015. NHTSA issued a notice of proposed rulemaking in 2015, but there has been no further action. When will NHTSA finalize this rule?

Ms. KING. Once again, I actually don't know the status of that rule. I can check and get back to you on that. I will say that, again,

the research is critical to our getting the rule right. Oftentimes, when a rule has been proposed, we receive new information in the public comment period that needs to be considered.

Ms. SCHAKOWSKY. We are talking 2015.

Ms. KING. I understand.

Ms. SCHAKOWSKY. The FAST Act directed a rule that would ensure consumers are notified of recalls electronically, in addition to by email. The final rule was due in 2016, but NHTSA has only issued an NPRM.

Ms. KING. That is right.

Ms. SCHAKOWSKY. So far, also in 2016. So when will NHTSA finalize this rule?

Ms. KING. I am pleased to tell you that we do actually have now on the website at [www.nhtsa.gov](http://www.nhtsa.gov) the opportunity for vehicle owners to enter a VIN and enter their email address and receive an alert digitally to changing recall information. So there is a functionality there. The rule has not been finalized, but I look forward to having that available for—I look forward to moving forward on that. But I will assure you that the website resources are there so we are able to advise consumers of changes in defect status on individual cars.

Ms. SCHAKOWSKY. If they act first. They have to go to the website.

Ms. KING. That is right.

Ms. SCHAKOWSKY. If I could ask one more. The FAST Act directed NHTSA to require manufacturers to retain vehicle safety records. That rule was due over a year ago. And when will NHTSA finalize that?

Ms. KING. If I am understanding the provision you are referring to, I believe that that would have completed already. It would have been wrapped up into one of two places, either in improvements to the Artemis system, our defects program, or it may have been in the rulemaking finalized on January 25th. But I would be happy to get that detail from your staff, and I will make sure that I am understanding your question fully.

Ms. SCHAKOWSKY. That would be great. Thank you. I yield back.

Mr. LATTA. The gentlelady yields back.

The chair now recognizes the vice chairman of the subcommittee, the gentleman from Illinois, for 5 minutes.

Mr. KINZINGER. Well, thank you, Mr. Chairman, thanks for yielding and for holding the hearing. Thank you for being here today and your service and just even another additional realm of a long career of service, so thank you.

I would like to add my voice to the many here who have talked about Ray. And I picture Ray still just recently on the floor, and he came up with some exciting news to tell me about something that had happened. He always just lit up the room. So, to his family, our deepest sympathies.

For NHTSA, we appreciate you being here. We appreciate Ms. King for taking the time out.

I would like to discuss my amendment to the FAST Act requiring automobile manufacturers to provide original equipment defective parts data to the professional automotive recycling industry. Electronic sharing of defective part numbers and other identifiable in-



formation and recall notices with recyclers and others will improve safety and aid NHTSA in achieving a 100-percent recall completion rate.

Every day, professional automotive recyclers sell over half a million OEM parts, which provide consumers and repair shops with safe and economical repair options. They critically need this information to ensure that level of safety. It has been 26 months since this safety provision was enacted. Can you describe to me the status of implementation on this?

Ms. KING. Yes. We have done the work at NHTSA to assess whether or not our existing VIN look-up tool can be converted to a batch tool. I believe that is what you are referring to. We have found that the system does not adapt readily. I am happy to continue working with your staff on other ideas, but I have heard good news that many in industry have started to solve this problem. I have seen that there may be some other solutions coming not from NHTSA, as we all very much appreciate and respect the importance of the secondary market for auto parts and am eager also to make sure that parts and vehicles that are sold are safe and in compliance with any outstanding recalls.

Mr. KINZINGER. Do you have a timeframe for getting this thing fully implemented?

Ms. KING. I do not have a timeframe for completing the work. As I mentioned, we did not see that our tool would adapt easily or adapt at all to a VIN look-up tool, a bulk VIN look-up tool. But, again, I am under the impression—I have been told that there are some other solutions that are near ready that may beat NHTSA to the punch.

Mr. KINZINGER. OK. Well, if you could just follow up with us, that would be great because I think that is an important provision that, if it is effectively implemented, it is critical to the safety of the driving public.

Additionally, several automakers in past hearings have assured me and other members that they are going to work with the auto recyclers to produce an effective outcome to the situation, but I haven't heard anything of that yet. Will you consider, if there are further issues, having NHTSA host a high-level recall safety summit of affected stakeholders to more effectively address any of these outstanding issues if it is a problem?

Ms. KING. I absolutely welcome feedback from all stakeholders. This is clearly an issue I would like to hear more about. So I would welcome conversation, yes.

Mr. KINZINGER. OK. And cybersecurity is very important to me, and it is something we focus on a lot. As we continue to move toward an increasingly connected world, we have to be mindful of cybersecurity and do what we can to address these concerns. As you may know, I introduced H.R. 3407, which was eventually rolled into the SELF DRIVE Act. The bill requires manufacturers to maintain a cybersecurity plan to identify an officer as the point of contact with responsibility for management of cybersecurity, a process for limiting access to automated driving systems, and a process for training on cybersecurity. Can you please walk me through NHTSA's approach to cybersecurity and how NHTSA will

consider cybersecurity in its safety evaluations of vehicles moving forward?

Ms. KING. It is my great honor to do so. Cybersecurity is also a great interest of mine and a priority of ours at NHTSA. In 2016, NHTSA issued a guidance for auto manufacturers with respect to cybersecurity. And furthermore, cybersecurity is one of the 12 safety elements that is discussed for voluntary disclosure in A Vision for Safety 2.0, issued September of 2017. I find myself also very excited about the Auto ISAC, the Information Sharing and Analysis Center, which is a group of not only auto manufacturers but also suppliers and cybersecurity experts who have convened a vigorous dialogue to understand how we can share best practices and get ahead of the risks before they manifest themselves in our vehicles. I attended and was honored to give a keynote at their inaugural meeting recently and look forward to seeing that conversation blossom.

Mr. KINZINGER. I have another question, but in the interest of time, I won't ask it, but I will just finish by saying cybersecurity is essential. And, obviously, as we go forward in this amazingly interconnected world, there are some really good opportunities and some really bad things that can frighten you. So I appreciate you taking a serious look at that.

And I yield back the remainder.

Mr. LATTA. Well, thank you very much. The gentleman yields back the remainder of his time.

The chair now recognizes the gentleman from New Jersey, the ranking member of the full committee, for 5 minutes.

Mr. PALLONE. Thank you, Mr. Chairman.

I wanted to continue on Ms. Schakowsky's line of questioning. I agree that NHTSA has been falling behind on its safety mission. And I also ask that you keep your answers short because I have a bunch of questions. They are not difficult, though.

One area that has been falling behind is the national 911 office housed at NHTSA and jointly run with the NTIA. Six years ago, Congress charged the 911 office with issuing \$115 million in grants to help deploy the next generation 911. Unfortunately, the 911 office has yet to even finalize its grantmaking rules. So my question is, when can we expect the 911 office to finalize the rules and actually award the grants?

Ms. KING. You will see a rulemaking coming forward soon this year. As a former 911 dispatcher, I share your sense of urgency. It is absolutely critical. Thank you for your support.

Mr. PALLONE. Thank you. So, when it comes to really deploying the next generation 911 across the country, we are going to need more money, and that is why I have cosponsored the Next Generation 911 Act of 2017 with Representatives Eshoo and Torres, which paves the way for Congress to fully fund next generation 911. If that bill becomes the law, will the 911 office be prepared to administer such a larger grant program on schedule this time?

Ms. KING. I look forward to working with you and with your staff to better understand the bill and how we would implement it.

Mr. PALLONE. OK. So I guess you figure you haven't really studied it much so it is hard to answer, right?

Ms. KING. I am very excited in concept about improving our 911 system.

Mr. PALLONE. OK. All right. NHTSA is also overdue to update the New Car Assessment Program, or NCAP. NCAP is an important tool for incentivizing manufacturers to produce safer vehicles and for ensuring consumers can make informed decisions when purchasing a car. In 2015, NHTSA announced plans to update NCAP with valuable new information on vehicles' crash avoidance technologies and their safety in crashes involving pedestrians, but these plans have been stalled for more than 2 years. So the question is, when will NHTSA finalize revisions to NCAP so that consumers have up-to-date safety information when shopping for cars?

Ms. KING. At NHTSA, we are all very pleased that the NCAP program has offered so much both to consumers and to auto manufacturers to identify safety features in cars. We did propose and take comment on changes. We received comments that raised various views that need to be taken into consideration before moving forward, but we look forward to moving forward soon taking into account all comments received on that proposal.

Mr. PALLONE. All right. I think NHTSA is overwhelmed, Ms. King. And yet President Trump's budget request proposes a drop in funding for NHTSA's operations in research from \$179 million to \$152 million. Do you agree that ensuring the safety of new and more complex technologies associated with autonomous vehicles places increased demands on NHTSA?

Ms. KING. We believe that the President's budget reflects the resources that we need to achieve our mission with responsible stewardship of Federal funds.

Mr. PALLONE. So you don't think that the proposed cuts to NHTSA's operations and research budget makes it more difficult to adequately address the safety of new technologies like self-driving cars?

Ms. KING. I believe the cut you are referring to was from a one-time bump up that we very much appreciated and that we applied to improving one of our IT systems, the Artemis system used in the defects organization. So we very much appreciate those funds. That work has been launched, and we are already benefiting from it, and we thank Congress for that support. But we do believe that the President's budget does reflect the resources needed for us to succeed.

Mr. PALLONE. Well, all right. In fact, NHTSA's 2016 budget identified a critical need for more staffing, noting that the Office of Defect Investigations had fewer than 20 investigators for 250 million vehicles equipped with increasingly complex technologies. But your 2018 budget estimate actually proposes a cut to ODI's funding. Now some safety hazards may decrease with the introduction of self-driving cars, but I think the potential for defects always exists. So I am confused by the proposal to cut ODI's funding. How will you ensure that ODI has the resources it needs to go forward? And what are you doing to ensure that ODI defect investigators have the skills they need to assess new vehicle technology?

Ms. KING. Two pieces. Again, the President's budget does reflect the resources we believe that we need. We have, as I mentioned, system improvements we can benefit from. We are in the process

of hiring and recruiting additional engineers to assist us in defects investigations, but we are, through our new, more effective processes, doing the work of not only responding to reviewing each defect report that is received at NHTSA, but prioritizing according to risk and acting accordingly. Our systems revised in recent years allow us to assess the volume of complaints or notifications we receive. We assess, we categorize by risk, and act and move forward, and that helps us act more efficiently.

Mr. PALLONE. Thank you. Thank you, Mr. Chairman.

Mr. LATTA. Thank you. The gentleman yields back.

The chair now recognizes the gentleman from Michigan for 5 minutes.

Mr. UPTON. Thank you, Mr. Chairman.

It is hard not to say Heidi. Welcome back to the committee. It was nice to see you at the Detroit auto show last month. I don't know if you got to some of other ones or not, but we appreciate you all in your interaction and look forward to continuing a very constructive relationship on a whole host of issues.

I would first note that, last month, the U.S. Justice Department issued a memorandum to all U.S. attorneys handling civil litigation matters instructing them not to use Federal agency guidelines documents as a substitute for Federal law or regs. This follows the approach laid out by this committee when we passed the FAST Act back in 2015. I want to just say I applaud the Justice Department for following that approach that we laid out in the FAST Act, and I think that it strikes a much-needed balance between responsible oversight as well as unnecessary outreach.

Two quick questions for you. One is I know you are aware of what I have introduced, the CAFE, H.R. 4011, which provides some harmonization between the agencies. Is it—I don't know if the administration has taken a formal stand with the SAP, Statement of Administration Policy, on that bill. Probably not. But given the lack of harmonization between EPA and NHTSA's programs, it is possible for companies to be in compliance with one program yet get hit with a large fine by the other. So our bill attempts to correct that. Have you considered that issue in any way administratively to resolve this before we get to that deadline, the big one?

Ms. KING. Thank you very much, Chairman Upton.

Yes, harmonization very important to all of us. We recognize the impact not only to manufacturers who are trying to comply with two different programs but also to the consumers, because, as we know, those costs borne by the manufacturers can influence what is available to and the pricing to the consumer. NHTSA is now working with the Environmental Protection Agency as we move forward on the CAFE rulemakings and streamlining and making sure harmonization is forefront is a part of that dialogue.

Mr. UPTON. Thank you.

Where we are heading, autonomous vehicles. Again, you were in Detroit. I participated in a roundtable discussion with Chairman Latta there. It is the wave of the future. We are very excited for a whole host of reasons.

One of the concerns that always pops up is the cyber protections, and not only on the monitors of the road for trucks and vehicles, but obviously just the applications—the normal applications of that

vehicle as they proceed. What type of resources do you have to make sure that the proper safeguards are in place so that things don't go really off the road?

Ms. KING. The laws and the operations and the systems we have at NHTSA apply to all vehicles, including automated driving systems. So, during a time of technological change, and granted this is a technological change larger than we have seen before, still we are responsible design, construction, and performance in a safety context for all of the vehicles in the United States. So our continued, whether it be reporting of defects, whether it be our monitoring of the technological change, our investigation of incidents related to any vehicle, including automated driving systems, we are vigilante. We have all of our tools in place, and we look forward to watching the technology involve to improve safety.

Mr. UPTON. Do you feel like have you good cooperation with the industry themselves in terms of what they are proposing, what they have, and those tools that will be installed on those vehicles?

Ms. KING. We have the voluntary safety self-assessment—there are two posted now it is manufacturer's website. And we are now creating a dashboard at NHTSA where we will link to the manufacturer's voluntary safety self-assessments. We are hearing, although other manufacturers have not yet published theirs, they are being produced and the opportunity to learn from one another and to have discussions around safety and incorporating safety into their design features is very much a part of our learning from one another so we step forward together. It also allows that dialogue with consumers and with state and local governments. That is absolutely critical. Again, this is where we need to stay together at the curve, not to get ahead of one another as the technology is still developing.

Mr. UPTON. And I would just ask you if you are aware of some shortcomings with legislative ideas that you need to get through, please, please work with us. This has been a good bipartisan effort for a lot of years, and we look forward to have that type of relationship with you and the agency.

Thank you. I yield back.

Mr. LATTA. Thank you.

The gentleman yields back.

The chair now recognizes the gentlelady from Michigan for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman, for yielding and for holding this important hearing.

I am going to build on what my other colleagues have been talking about on the SELF DRIVE Act. When the committee came together in a bipartisan manner, and I think we are all very proud of the fact that it was unanimous, that we passed it out of this committee, it built on many of the ideas that DOT had laid out in the FAVP. We took the safety assessment letter and made it mandatory. We took the Department's recommendation and enhanced the existing exemptions process so we could build the interim pathway to market for AVs while the new Federal motor vehicles safety standards are being written, but they need to be written, to make an editorial comment. And for the first time, we required manufac-

turers to submit plans to NHTSA for how they are addressing the critical issues of data security, privacy, and cybersecurity.

But, Acting Administrator, I think what you are hearing today is unease on behalf of everybody, because we want to stay at the forefront of innovation and technology, and we also need to make sure that the consumer is safe at all times. You say you have got the tools, but we are not sure you have got the resources for the tools so that we are moving fast enough or we are doing what we need to do. Can you comment on the SELF DRIVE Act and how it complements existing DOT policy, NHTSA authority, and why you are going to assure us and, more importantly, the consumer that they are going to be safe, and you have got what you have got to do.

Ms. KING. Yes. I am very happy to do so, very excited about the fact that we have echoed some of the similar ideas, the safety self-assessment, for example, being critical, not only to allow for the disclosure of the information, because as a good risk-management best practice, a safety self-assessment allows each of the manufacturers, each of us, as I will say state, local government, direct consumer, to consider safety and get smarter. So absolutely we love that, we love the fact that the expanded exceptions allows for the safe testing of vehicles because we won't know if vehicles are safe unless we have testing so there are fantastic provisions in the bill that we look forward to continuing to work together on. We are excited about our shared mission of assuring safety while technology evolves—while we assure safety in step with technology. Again, the current authorities of NHTSA with respect to design, construction, and performance, we are on duty. We continue to follow closely the trends and the changes, both in the technology in what we are seeing on our roadways and the testing environment, and we look forward to working together.

Mrs. DINGELL. Thank you. We all have so many questions. It is hard here in this 5 minutes, so I am going to move to the midterm review because I think my colleague from Michigan raised a subject that is very important. In order for our companies to make the investments they need to realize the benefits on AVs, we need to make sure this industry stays healthy, and fuel economy plays a big role in this. Strong fuel economy standards give the industry the certainty that they need while continuing to drive innovation that saves consumers money at the pump. Right now, we are entering a critical phase of the midterm review. I want to urge you, Deputy Administrator King, Deputy Administrator King, to keep all stakeholders at the table in a productive manner as we go through this so we can achieve a negotiated solution that maintains one national program that all my colleagues at this table can support.

So I am going to beg you do that. And could you comment on that a little? And how do you feel about post-2025 standards?

Ms. KING. Thank you for asking. It is very important to me—

Mrs. DINGELL. Just—

Ms. KING. That we hear from and keep all stakeholders in the dialogue. The CAFE standards, the greenhouse gas standards at EPA, our rulemaking that we are developing jointly, it is very important to all of us, not to only manufacturers and consumers but to the communities in which our vehicles operate. Very much en-

courage all stakeholders to have their views heard. We look forward to an open and vigorous public comment period in particular. As you know, the rulemaking can be very complex. There is a great deal of analysis, engineering and economic, that is completed for that rulemaking under the applicable executive orders. We will continue, as NHTSA has always done, to be committed to a transparent process where that information is all publicly available, where anyone who would like to contribute can review and submit their thoughts on what they think can be done or should be done differently. It is very important for us to get it right.

Mrs. DINGELL. Any comment on post-2025 standards in the 16 seconds left?

Ms. KING. Thank you.

Under the laws applicable to NHTSA, under EPCA, we are authorized to set standards for 5 years at a time. So we must under the law set standards for 5-year increments.

Mrs. DINGELL. Thank you.

Ms. KING. Thank you.

Mr. LATTA. Thank you. The gentlelady yields back.

The chair now recognizes the gentleman from New Jersey for 5 minutes.

Mr. LANCE. Thank you, Mr. Chairman.

Good morning to you.

I was pleased to hear your mention of NHTSA's commitment to mitigating drugged-impaired driving. New Jersey, which I represent, is considering legalizing recreational marijuana. Can you discuss any trends that you have seen among traffic accidents in states that have legalized marijuana for recreational use?

Ms. KING. Congressman Lance, thank you for that question.

We don't have strong, robust nationwide data yet, but I can share with you the nature of conversations I have had with some jurisdictions. They have already seen, prior to legalization of recreational use, increasing levels of THC in the blood of some of their drivers. We hope to see more of that information shared in our summit on March 15.

At NHTSA we are very concerned because some of the evidence, which has been sent to Congress in our report to Congress on marijuana-impaired driving in June of last year, shows us that THC can lead to impairment, such as we see with alcohol.

Many people, we have seen evidence, are using both THC products or marijuana and alcohol, making it more difficult for law enforcement to detect and discern which substance they are using, or has been used, and how they should prosecute.

So we have many challenges ahead of us. We are very much committed not only to short-term, but to long-term strategies to combat the problem.

Mr. LANCE. Are there tests that can determine if someone is under the influence of marijuana, similar to how the breathalyzer is used to detect impairment with alcohol?

Ms. KING. The science is evolving. While I have seen several tests proposed, each test has its own strengths and weaknesses. And because the nature of the substance is different than alcohol, I will say, we have not evolved yet to the point where we have a certainty in the testing that we do with alcohol. But we hope to

stimulate further research as part of our initiative to address drugged-driving.

Mr. LANCE. Would NHTSA be the Federal agency that would bring to the Nation's attention some sort of test that would be dispositive regarding marijuana?

Ms. KING. We would like to help, but of course there are many Federal and state agencies that are involved in this journey of discovery. We are working with toxicologists and with other scientists at other Federal agencies, but also at the state level. Again, some of the states have programs that have some learnings to share with us.

So this is something where none of us are going to solve the problem alone, we are going to work together, both in the science community and in the public policy community.

Mr. LANCE. Do the states have better tests in this regard, several of the states?

Ms. KING. Well, for roadside, I don't know that that is the case, but it is individual laboratories where I have met with scientists who are refining the protocols for testing blood levels.

So science is developed not in one place, but across a committed community. And, again, that is why we are bringing everyone together, the experts, to share information with one another so we can identify best practices and gaps and move forward productively.

Mr. LANCE. Would it be your agency that would take the lead in advising Congress what the potential increase in accidents, what that potential increase is in the various states that have attempted to legalize recreational marijuana?

Ms. KING. We have information that could partially look at the sources of the increase in the states, but because we don't have a nationwide system for collecting that information, it would be conjecture at this point. But I intend to set as the goal a nationwide collection of information that could inform that.

Mr. LANCE. Thank you. I look forward to continuing to work with you on this issue, as the Governor of New Jersey and our state legislature together debate the legalization of recreational the marijuana. I am opposed to such legalization of recreational use.

Given the unprecedented scope and complexity of the Takata recall, can you please provide the committee with some of the lessons learned and how we might improve completion rates in future recalls?

Ms. KING. Absolutely. I would like to refer to the monitor report that was issued—and it is posted on our website—this past November. The independent monitor at Takata has completed, together with NHTSA, research to understand what is working and what is not.

Consumer response, consumer awareness and action is part of the puzzle here. And we learned from the monitor that consumers hear the word "recall" or they hear the word "defect" and they don't understand the sense of urgency.

So one of the lessons learned is that not only reaching the consumers, but using language to help them understand the urgency of this recall is critical.



Mr. LANCE. Thank you. And good luck to you in your important responsibilities.

And I yield back.

Mr. LATTA. Thank you very much. The gentleman yields back.

The chair now recognizes the gentlelady from California for 5 minutes.

Ms. MATSUI. Thank you, Mr. Chairman.

Ms. King, thank you for being here.

Now, as we all know, NHTSA's fuel economy standards for model years 2022 to 2025 were originally set in 2012. In July 2016, NHTSA and EPA released a joint technical report finding that the standards in 2012 remain appropriate and that compliance would be easier and less costly to achieve than originally anticipated using a wide range of existing technologies.

In other words, there is clear data-driven support for maintaining existing standards and even making them more stringent.

Now, my time is limited and I have lots of questions, so I would appreciate it if you would stick to brief yes-or-no responses, à la John Dingell.

Are you still planning to release a proposed rule by March 30 to finalize the 2022 through 2025 standards?

Ms. KING. I would like to answer yes or no, but if I could clarify, we will propose, not finalize, but as required by law, we will propose, and yes, March 30.

Ms. MATSUI. Yes. OK. Given the findings of the joint NHTSA and EPA technical report, will the proposed rule set out fuel economy standards that are at least as stringent as those promulgated in 2012?

Ms. KING. We would be able to announce that at the proposal. At this time we are engaged in the analysis—

Ms. MATSUI. So you don't know whether it is yes or no right now.

Ms. KING. Yes.

Ms. MATSUI. Is that correct?

Ms. KING. That is correct.

Ms. MATSUI. It has been reported that the rule may also revisit the fuel economy standard for model year 2021, but your correspondence to the committee dated January 9 states that your proposed standard is for light vehicles model year 2022 through 2025. Yes or no, will 2021 be included?

Ms. KING. I wouldn't be able to address the rulemaking in progress at this time, and I am afraid I haven't seen that report.

Ms. MATSUI. OK. You haven't? Oh, OK. We will send it to you.

Are you changing the model NHTSA uses to calculate fuel efficiency?

Ms. KING. NHTSA always strives to keep its modeling updated and current, including the inputs and the data and improving econometric methods.

Ms. MATSUI. OK. Some have claimed that adjustments to the 2022 to 2025 standards are needed because consumers are buying larger vehicles, like SUVs and light trucks, rather than compact cars and electric vehicles.

Again, yes-or-no responses, please. Aren't fuel economy standards based on the size or footprint of the vehicle sold? So a light truck

does not need to achieve the same miles per gallon as a compact car, correct?

Ms. KING. The fleet-wide average does include consideration of footprints.

Ms. MATSUI. Doesn't that mean that the exact mix of trucks and smaller cars that a manufacturer already sells is already factored in? You said yes to that, right?

Ms. KING. Manufacturers produce to meet consumer demand for different types of vehicles for different purposes.

Ms. MATSUI. Fleet-wide target. So couldn't a company meet its fleet-wide target selling only SUVs, as long as they meet the fuel economy standard for the SUV footprint? Yes or no?

Ms. KING. I would have to think about the math, because they need to meet a fleet-wide average.

Ms. MATSUI. So you are not sure right now?

Ms. KING. I would have to think about that. I have not seen a manufacturer choose to do so.

Ms. MATSUI. OK. We will check on that, too.

Let me just say this. It is very important that NHTSA continue to engage with the autonomous vehicle innovation that is taking place across the country. As part of NHTSA's second AV guidance, you put forward a template for AV developers to commit a safety self-assessment. How many safety self-assessments has NHTSA received?

Ms. KING. We don't ask manufacturers to send them to us. We ask them to disclose them.

Ms. MATSUI. So you don't have any idea of numbers at all?

Ms. KING. I am aware of two, but we do not ask them to be submitted. They are not a document submitted to NHTSA. We ask that they be made public. And we are aware of two, which we have linked on our website. We have created a dashboard so that we can make it easier for—

Ms. MATSUI. OK. So you are only aware of two right now?

Ms. KING. That is right.

Ms. MATSUI. What has NHTSA learned? Have you learned anything from these assessments at all, from the two?

Ms. KING. I have, actually. I learned that it is very important for us all to be in dialogue on this issue. I think each of the manufacturers is considering safety and would like to engage with others in learning from one another. So I see that we are in this journey together.

Ms. MATSUI. Good. OK. I understand that this intention is to increase collaboration and build the public trust for AVs, which I strongly support. And I really believe that, as most people here on the committee believe, which is really important, that safety is number one.

The AV situation is getting so much, now, attention that I think there is a sense out there that the thought is that it may be safer than we think it is. So I really feel strongly that we should keep emphasizing safety and any time we talk about AVs safety is emphasized.

And I really think that if NHTSA has only received two as far as the assessments that we are talking about, as far as building public trust, I feel that we need to encourage more, I think, collabo-

ration as far as conversation. I think we need to have more public comment on this and a sense of understanding where this all is.

So anyway, I truly believe in this, in the midterm evaluation also, when we are talking about autonomous vehicles, we really need vigorous conversation and debate. So thank you very much for being here.

Ms. KING. Thank you.

Mr. LATTA. Thank you very much. The gentlelady yields back.

The chair now recognizes the gentleman from Kentucky for 5 minutes.

Mr. GUTHRIE. Thank you.

Welcome back to the committee. I appreciate it very much. Actually, Mr. Lance, my friend from New Jersey, hit a lot of the issues that I was going to talk about, and I look forward to the results of your roundtable and meeting on drugged driving.

As the move to recreational use of marijuana is moving down the road, there are a lot of serious issues, and hopefully we can bring it to the attention of people. It is not just as simple as a lot of people want to make it out to be. There are a lot of issues that need to be addressed.

But I will go to another interesting topic, tire wear, since you have already addressed that. So in the next 12 months what progress does the Department anticipate toward implementing the tire performance standards for fuel efficiency and wet traction?

Ms. KING. Very good. We have research underway, and so I expect we will have something, hopefully soon, because we are in fact reviewing some of that research now. But we have several initiatives related to tires that are underway at NHTSA.

Mr. GUTHRIE. Also, I believe you are launching into the web-based tire recall search tool. Do you know when that should be launched?

Ms. KING. I would be happy to provide more information. I will say, it is not an area in which I have the level of detail I would like to provide you. I would like to make sure we get correct information to you.

Mr. GUTHRIE. OK. Thanks.

Also, in September of last year NHTSA released new guidance for self-driving vehicles. And a very proud and great Kentuckian, Secretary Chao, announced the agency is working on a version 3.0.

Can you explain the approach 3.0 will take and version 2.0 will interplay with the new guidance? So let me get back. Can you please explain the approach 3.0 will take in version 2.0 interplay with the new guidance?

Ms. KING. I am very excited to explain that.

Version 2.0 focused very much on automated driving systems in consumer cars, in cars, whereas 3.0 will be multimodal.

I will tell you what 3.0 will not do. It will not change, for example, the voluntary safety self-assessments that Congresswoman Matsui was just discussing. We still expect manufacturers to provide voluntary safety self-assessments as described in 2.0. 3.0 will expand the discussion to include other modes of transportation.

Mr. GUTHRIE. Thank you.

Can you please highlight significant dates moving forward with respect to the Takata recall that we and our constituents should be aware of? And when do you expect the recall to be complete?

Ms. KING. We have posted on our website at NHTSA the dates when various ages or various risk categories of airbags will be recalled. Right now, the date that is top of mind is now. Because of the urgency of the recall announced on Monday with certain 2006 Ford vehicles, I would urge every consumer to check our website and know whether they have one of most airbags, safe, save thousands of lives every year, or the ones that are not safe.

I would like consumers to check, and if they are not getting the information they need from their dealership, to contact NHTSA immediately. The sense of urgency cannot be overstated with respect to vehicles covered by the Do Not Drive order. Any assistance in communicating that with your constituents would be greatly appreciated.

Mr. GUTHRIE. Thank you very much.

I have a minute left, and maybe this is something that is not your expertise, but I was wondering, as Mr. Lance was talking, my understanding is that when—back to drugged-driving—that if somebody is pulled over and they are tested and they have the blood alcohol content that makes—they can prosecute, that is not tested for drugs, because you don't need both for impaired driving.

That might be something in your roundtable to discuss just for the information, understand that if somebody is impaired, they are impaired, but it would be nice to know how much of the drug is in the system as well.

And I guess the question I was going to ask you, you might not know, it might not be your expertise, but if someone is drugged-driving, there is no alcohol, they are drugged-driving, they are impaired, so somebody gets pulled over for crossing a line or whatever like would typically tip off an officer, would they fail a field sobriety test?

I know most of it is breathalyzers and blood that goes to court, but you get there first by not being able to touch your nose or standing on one foot or whatever, the stuff that says you are just not capable of driving. Does somebody that is drugged-driving on marijuana, would they fail—not opioids, but marijuana—fail that?

Ms. KING. I am drawing now upon my little known background. I was in law enforcement 30 years ago when I was in much better physical shape than I am today.

We have at the state level different laws in different parts of the county, and so how the laws are categorized is different by state. I was a law enforcement officer in California, and I have spoken with people there and can describe that a little bit.

Impaired driving is illegal. Impaired driving is not only a risk to health and safety, but it is illegal in most of the country.

When an officer identifies an impaired driver, an officer is very experienced and well-trained in the fairly familiar pattern of identifying an alcohol-impaired driver.

We have a number of tools to train and prepare officers to assess for drug impairment, but there are so many different drugs. Sometimes people are taking drugs together or with alcohol, which then

confuses the symptoms and makes it harder for the officer to identify what exactly he is dealing with.

So, yes, I think every officer in the United States is very likely to be trained rigorously in alcohol-impaired driving. We have the ARIDE program and DRE programs that provide that expertise with respect to drug-impairment identification. It is not universal across the Nation, however.

In addition to identifying the signs and symptoms of impairment in a driver, we also have the challenge of prosecuting. So the officers collecting information at a vehicle stop that he will use—he or she, in my case—that I would use in providing information to prosecute, the critical step in how to use that information in prosecuting when we don't have the legal framework, maybe we don't have the field test that we have for alcohol, those are all things that don't exist yet in a rigorous way across the country.

But the good news, there are certain jurisdictions that have innovated. The County of Orange in California has combined forces, law enforcement and the district attorney's office and the laboratories, to figure out how they can make the pieces work together and develop best practices. They are now training other parts of the state, and hopefully soon the country.

So we aren't as good at it as we are with alcohol, but I know we can get better quickly, and we will learn a lot, and we can conquer this problem together.

Mr. GUTHRIE. Well, thank you. Thank you. And I am here to support what you guys are trying to do.

Thank you. I yield back.

Mr. LATTA. The gentleman's time has now expired.

The chair now recognizes the gentleman from California for 5 minutes.

Mr. CÁRDENAS. Thank you, Chairman Latta, and I would also like to thank Ranking Member Schakowsky for having this National Highway Traffic Safety Administration hearing. I appreciate this opportunity.

And thank you, Deputy Administrator King, for coming today and answering our questions. I am happy to be addressing a fellow Californian.

And could you help us clarify, what is the status of the Department getting a new administrator? How is that coming along? Can you update us?

Ms. KING. The President has not yet identified a nominee, but I look forward to learning also who my new boss will be. Meanwhile, the Department does have a strong leader, and that leader is here before you today, ready for your questions.

Mr. CÁRDENAS. OK. Now, your status right now is Deputy Administrator. At one time you were acting administrator?

Ms. KING. That is right. Under the Vacancies Act, the title acting administrator is only allowed under for a certain period of time. However, as Deputy Administrator, I do fill all of the functions of the administrator. So I am essentially acting as acting, although the title is not applied under the Vacancies Act.

Mr. CÁRDENAS. And how long has the Department been without an administrator?

Ms. KING. There has not been an administrator nominated in the administration. I have been there since September 25. I am half-way through my 20th week.

Mr. CÁRDENAS. OK. So it was January 21 of 2017, or when was it that the actual administrator position was vacant?

Ms. KING. That is right, January of last year.

Mr. CÁRDENAS. OK.

Ms. KING. We have had in place acting as deputy our executive director, who is an outstanding professional with years of experience in transportation, and an outstanding, strong team, and of course the leadership of the Department of Transportation.

Mr. CÁRDENAS. Now, having a permanent administrator would be helpful to the Department as a whole, right? Hopefully we will see that soon?

Ms. KING. I look forward to hearing the President's nomination. I understand that there is a great deal of work ahead of us.

But there is a team that is strong. I believe I am a strong leader. And I look forward to working with you.

So hopefully neither you nor the public will feel any difference whether or not it is myself acting as administrator or whether it is myself serving my new boss when the President identifies the nominee and that nominee is confirmed.

Mr. CÁRDENAS. Yes, I certainly respect that that is within the full purview of the President. However, we do have tremendous responsibilities—I will outline some of them right now—within that Department.

There is no question that NHTSA has a tremendous opportunity to shape the safe implementation of highly autonomous vehicles in the next few years. The United States is on the brink of an important change in how we own and interact with vehicles.

As stewards of traffic safety, NHTSA has the responsibility to work with Congress to make sure that these next steps are taken in a safe manner. But any guidance or regulation we develop of the Federal level inevitably impacts state and local regulations, so we must make sure that what we do in Washington, D.C., is responsive to what our officials back home are going to have to deal with at the state and local level.

I used to be in the California State Assembly and also on the L.A. City Council, so I have experienced firsthand what it is like when Federal policy works well and when it does not.

During the development of the SELF DRIVE Act that was passed in the House last year, I was particularly interested in making sure that the legislation ensured collaboration with our counterparts at the state and local level. The bill includes legislation I introduced to form a Highly Automated Vehicle Advisory Council at NHTSA with a diverse group of members, including from state and local authorities.

The bill passed the House and we hope that the Senate will take it up soon. But in the meantime, what is NHTSA doing to make sure that states and localities are involved in the development of autonomous vehicle guidance and rulemaking?

Ms. KING. We are communicating a lot. I am very much honored to work with my state partners. I agree with you, it is critical that

we work together and learn from one another and that we not be developing things in a vacuum without consultation.

As I had mentioned earlier, two-thirds of our budget is in fact grant moneys with states, both because of our behavioral programs together, but also because of the challenges that we confront together, not only with drugged-driving, but with emerging technologies.

We are at all levels in frequent discussion with the states. Myself, also being someone from the field, also from the West, which can sometimes feel distant from Washington, D.C., I know those flights feel long some days. It is a constant dialogue and we are very sensitive to the views of our state partners.

Mr. CÁRDENAS. Ms. King, what keeps you from being a candidate to be the permanent administrator?

Ms. KING. That is very kind of you to ask. The President will make his choice, and I will defer to his choice. I look forward to having—

Mr. CÁRDENAS. But on a strict basis, there is no qualification scenario that would prevent you from being nominated, correct?

Ms. KING. I do not—

Mr. CÁRDENAS. Now, just for those watching in the White House, I don't want them to think that you are soliciting that position.

Mr. LATTA. He is trying to be very diplomatic.

Mr. CÁRDENAS. I know. But technically speaking, there is nothing right now that would preclude you from being a nominee on a technical basis, correct?

Ms. KING. I certainly don't believe there is anything as stringent as the peace officer standards and training of jumping over a 6-foot wall, as I did many years ago in the State of California to become a law enforcement officer.

But, honestly, Congressman Cárdenas, that is not a question that I have addressed because it is not my area of expertise nor my responsibility. But I would be happy to get back to you with more detail on that.

Mr. CÁRDENAS. Nor is it a comfortable place to be. I didn't mean to embarrass you.

Ms. KING. Oh, no, no, no.

Mr. CÁRDENAS. But I just wanted to make sure that there was nothing that precluded that from happening.

Thank you, Mr. Chairman.

Mr. LATTA. Thank you very much. The gentleman's time has expired.

And the chair now recognizes the gentleman from West Virginia for 5 minutes.

Mr. MCKINLEY. Thank you, Mr. Chairman.

And thank you, Administrator, for being here today.

I heard earlier you say several times that you didn't have enough data to answer some of the questions, particularly about drug-related accidents.

And now that it has been revealed that some, what was the statistic, 43 percent of fatal accidents in 2015 were drug-related, as compared to 37 percent alcohol-related, my curiosity is how that relates—we may not have the answer here, as you are saying.

What is happening in Europe and elsewhere around the world? Are they finding similar to that? Because the reports I have gotten from Europe is that alcohol is still by far the prevalent cause of accidents, not drugs. What is bringing that about in the United States?

Ms. KING. There are two parts to that question, if I understood your question, Congressman McKinley. One of them is what we are seeing in Europe and one of them is what we are seeing here? Did I understand correctly?

Mr. MCKINLEY. Yes. What can we learn from Europe? That Europe has been able to get control so that its drug is not the drug-related preponderant amount of accidents caused by drugs, but ours has been logarithmically increasing. What are they doing right or we doing wrong?

Ms. KING. There are many dimensions to that. It is, I will say, not an area of formal publication at NHTSA, but I can speak to my own experience and knowledge, which is that, first of all, the use of drugs, in particular illicit drugs, tends to be regional, even within the United States.

And the second is that the use of transportation may also be very regional. In Europe we often see communities that have a different relationship with their infrastructure. They may be more walkable, more drivable, there are lower rates of car ownership and higher rates of public transit use. So there may be more alternatives available.

Mr. MCKINLEY. I would like to pursue that further with you. But also in your role that you have been with the Department, and now in your role as the deputy, what keeps you up at night? What do you think is the biggest problem you are facing for the administration?

Ms. KING. The thing that keeps me up at night is how to help consumers understand the risks of the airbags that are on the Do Not Drive recall issued on Monday. It is very important that consumers understand whether or not they have a safe, lifesaving airbag in their car. Again, the lifesaving airbags save thousands of lives per year, but there are some few that can injure and they can maim and they can kill.

And we have consumers who may be unaware. The fact that many of these vehicles are older means that the consumers may not be as likely to have a relationship with their dealership or with the auto manufacturer.

We have been working with the manufacturers in their outreach to the consumers, and we are finding different ways to reach consumers. But what keeps me up at night is that there may be people who don't know, they are not understanding the urgency of the Do Not Drive recall.

Mr. MCKINLEY. Thank you.

The final question is, I think it was your answer back to Mr. Guthrie, I think it opened some curiosity on my part, which is the mechanics. It is one thing when someone is driving the car down the road and they could be tested for alcohol when they are impaired, they are weaving.



If they are weaving and they are drug-related and pulled over, the only test I heard was a blood test. We are certainly not going to do a blood test on someone on the highway.

What is the mechanical part? An officer is assuming someone is impaired and he pulls them over but there is no testing device. Do they allow them to continue? Do they give them a warning? Or do they stop them if they feel in their heart they are impaired because of drugs? What happens mechanically?

Ms. KING. I believe that may differ regionally, depending on the officer's training. I can assure you that at NHTSA we have research underway in our research program in our behavioral division—

Mr. MCKINLEY. What is happening now? The drugs are out there. We are having problems right now.

Ms. KING. I understand.

Mr. MCKINLEY. Are they releasing them to continue driving?

Ms. KING. Some forms of impairment are very similar to alcohol, even though they may have other causes, and that certainly would be captured by the standard field sobriety tests that officers are using today.

Officers collect evidence of impairment and take that information. The field sobriety tests that are used today would identify signs of impairment. Although designed for alcohol, they could detect other forms of impairment.

But we are working on research to identify field sobriety tests that can be used for other substances to determine whether there is even a difference. It is an emerging area.

Mr. MCKINLEY. I hear you. I am dealing with the today, the now. I am just curious about whether it is going to hold up in court if we don't have any background on this, how that is going to hold up a year from now.

Ms. KING. I think I am going to have some good news for you, because my conversations with the geographies that are getting ahead of this, they are some great successes. And I am looking forward to learning more about them and making sure that we all can learn from them and adopt their best practices.

Mr. MCKINLEY. Thank you very much. I yield back.

Mr. LATTA. Thank you very much. The gentleman yields back.

The chair now recognizes the gentleman from Texas for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

And welcome, Deputy Administrator.

Following up on my colleague and good friend from West Virginia, what keeps me up at night is that I get these cards about that I need to take them into my dealer and nobody can repair them. And so what are we going to do? Is it some reason, that maybe the dealers are not getting reimbursed, or is it just that they don't have the—to be able to fix these airbags that are in our current vehicles?

Ms. KING. When a car owner is asked to come and have the replacement, there should be adequate supply. There should be adequate supply of airbags to replace any unsafe airbags.

I would like anyone who does not hear from their dealership that they can get the active recall remediated immediately to contact NHTSA at 888-327-4236.

Mr. GREEN. OK. So there is a way we can do that. Because like I said, it is almost like a joke sometimes. My constituents say, "I will get that. But I call and there is no one available. And then I will get another card 5 months later and they are still not available."

But they are supposed to be available to our dealerships?

Ms. KING. Because this is the largest and most complex automotive recall in history, we are staging by risk. So it may be that they are receiving a notification that there will later be a request for them to come in. But the vehicles that need to have a replacement now, there is a supply available. There should be supply available. If not, contact NHTSA immediately.

Mr. GREEN. Is there on your website a list of those particular vehicles?

Ms. KING. Yes.

Mr. GREEN. Is there a requirement to send out that card for something that is immediately like that, instead of someday we will get our new airbags?

Ms. KING. I have one of those cards, too, and my airbag has already been replaced.

So, again, 50 million airbags, it is such a large and complex program.

Mr. GREEN. I know.

Ms. KING. I understand the efforts to notify may have created confusion in some. But [www.nhtsa.gov/recall](http://www.nhtsa.gov/recall), enter the VIN, folks can find out.

Every time I got to my dealer, I ask them, "Are you sure?" So I know that the dealerships are also very attentive to this.

But I encourage people to reach out to NHTSA, to call us, and to make sure that they are speaking with their dealership and taking care of the problem.

And I am delighted to hear that you and your constituents are attentive to the issue. As I mentioned, what keeps me up at night is that people aren't aware.

Mr. GREEN. And I will share the NHTSA website and we will put it on. I hope other members, too, that have the same problem.

My other question is, in 2015 Representative Mullin and I sponsored a provision on the FAST Act that allows small volume car companies to produce up to 325 replica cars in a year for the U.S. market and 5,000 for the export market. These are brand new vehicles that look like vintage cars, like classic Cobras, Mustangs.

And in our area, I have a DeLorean factory in my district, and that is why I was interested in that bill because the owner of that DeLorean inventory said, "We could actually expand this probably with 120 more employees."

In Texas, we don't do a lot of car manufacturing up in the Dallas/Fort Worth area, so I would like to have them in our district.

NHTSA had until December 2016 to issue any necessary regulations needed to allow these companies to start producing replica vehicles, the only assessing regulation allowing companies to register with NHTSA and file an annual report.

These companies have already made sizable investments and are ready to go to work. It is important that they are able to register with NHTSA in the production immediately in accordance with the law. I would ask you, when is that going to happen?

Ms. KING. Thank you.

If I, first of all, may thank you for your letter in the fall. I was pleased have your letter and pleased to a reply.

We have looked into using guidance, but we have a rulemaking coming out this year. And so I look forward to hearing your constituents and others to comment on that rulemaking. We should see that by summer.

Mr. GREEN. OK. So by the summer of 2018?

Ms. KING. Yes.

Mr. GREEN. OK. Thank you.

Ms. KING. Thank you.

Ms. GREEN. Thank you, Mr. Chairman.

Mr. LATTI. Thank you. The gentleman yields back the balance of his time.

The chair now recognizes the gentleman from Florida for 5 minutes.

Mr. BILIRAKIS. Thank you very much, Mr. Chairman. I appreciate it.

Thank you for your testimony today. I appreciate it very much.

Ms. King, I introduced H.R. 3413, which was eventually rolled into the SELF DRIVE Act, which brings stakeholders together to ensure we maximize mobility benefits for senior citizens. How do you see self-driving vehicles improving the lives of senior citizens?

Ms. KING. Thank you for your question.

I think we all understand, not only the safety benefits, but we are very, very excited about the opportunity to add mobility to certain communities as a result of the innovative technologies.

The aging community, of which I am slowly becoming a part, is clearly one of the communities that can benefit from self-driving cars, or forgive me, automated driving systems. So we look forward to seeing the technologies evolve safely and test safely so that we can see that mobility and safety promise come to our streets.

Mr. BILIRAKIS. OK. Thank you.

Next question. Given the significant mobility benefits of self-driving cars, you just mentioned that, how is NHTSA focusing on these certain segments of our population, such as those with disabilities?

Ms. KING. In the context of automated driving systems specifically?

Mr. BILIRAKIS. Yes.

Ms. KING. Very good. So in our discussions of the automated driving system promise, we are hosting many dialogues and taking comments to understand not only the benefits, but the concerns.

In particular, one of the things the research tells us, and I think many of us read this in the newspaper reports, is that consumers have questions and concerns about the emerging technology. That is not surprising because the technology is emerging and it is very hard for us all of us to understand a thing we haven't experienced or seen yet.

So we are in dialogue with many of the manufacturers. Part of that dialogue is, as described in A Vision for Safety 2.0, to help us all understand where the sources of confusion are.

We find that terminology may be one of them. We all use different terms. A moment ago I used a term I shouldn't have, I said self-driving car. We speak about automated driving systems.

But there are so many terms out there, right, level three, level four, self-driving car, driverless car, automated driving system. Even the terminology is confusing. It is confusing to me at times.

We need to make sure we are adopting a common set of terminology that makes it easier for us to have meaningful, rich discussion with our communities, with state and local governments, as well as with manufacturers.

So this is one of the things we are learning, that as the technology develops we all need to circle up on some of the terminology so we have more effective dialogue together as the technology evolves safely.

Mr. BILIRAKIS. So do you envision a person, let's say a senior or someone with disabilities, like myself, I have visual difficulties, having access to an automated car, instead of a self-driving car, in the near future? How far are we from something like that? Now, something that is affordable, obviously.

Ms. KING. If there is one thing I learned during my time as a research scientist at the old Bell Labs, is that the development of technology goes at the pace it needs to go. So I would be hesitant to forecast, because what consumers will adopt, what the technology is ready for in a safe deployment or safe development path, is something that is very difficult to predict.

Certainly, it is my hope that the technology is safely tested and deployed to provide the access to mobility for all members of our community. But at NHTSA, as the leader of NHTSA, I am committed to making sure that the testing and deployment is safe and that we have an effective dialogue to ensure that that is so.

Mr. BILIRAKIS. Of course safety is more important than anything.

Let's see. I know you touched upon the opioid issue, so I will go on to the next question.

Can you please explain how consumers can determine whether they are affected by a recall? And I know that Representative Green touched on this as well. But if you could expand, I would, please, because this is very informative for our constituents.

Again, can you please explain how consumers can determine whether they are affected by a recall and offer other recommendations as to what consumers should do if they find themselves affected by a recall?

Ms. KING. Thank you for asking. [www.nhtsa.gov](http://www.nhtsa.gov), that is our website, the National Highway Traffic Safety Administration, [www.nhtsa.gov](http://www.nhtsa.gov).

One will see there, right at the top of our web page, a recalls banner. One can click and go in and enter a vehicle identification number and see any outstanding recalls on one's vehicle.

I routinely check it. I have become clearly much more sensitive to the urgency of recalls since I have been at NHTSA. One can enter one's email address and get an alert to remain always current on outstanding recalls.

For those who may not have a computer or feel comfortable doing so, a consumer can call the dealership, they can call the manufacturer, and they can have it checked. I do use a dealership for my own car, and I find it helpful that they keep a file, and they will tell me whether or not there is anything outstanding. And they can describe it to me if I have any questions.

But the key is that consumers find out whether or not they have an outstanding recall, and if it is an urgent recall or any recall they should act. But in particular the Do Not Drive recalls announced on Monday are absolutely critical. Do not drive. Call the dealership. A tow truck will come. The recall remedy is free.

Mr. BILIRAKIS. Give us the number, again, please, for those who are watching.

Ms. KING. Absolutely. Let's see, where did I put it? I looked up from my piece of paper.

I would like, if you don't mind, if we could post it on your website. I would recommend people go to [www.nhtsa.gov](http://www.nhtsa.gov). And I seem to have misplaced phone number, in my sense of urgency that consumers find out about the recalls outstanding on their vehicles.

Mr. BILIRAKIS. Thank you very much. And we want to put that on our websites as well so that consumers can have access.

Ms. KING. Thank you.

Mr. BILIRAKIS. So thank you very much.

And I yield back, Mr. Chairman. I appreciate it.

Ms. KING. Thank you.

Mr. LATTA. Thank you very much. The gentleman's time has expired.

The chair now recognizes the gentleman from Massachusetts for 5 minutes.

Mr. KENNEDY. Thank you, Mr. Chairman.

I want to thank our witnesses for being here as well. Thank you for your work. Thank you for your service.

I am going to ask you to touch on a couple of different rulemakings that I believe NHTSA was supposed to have begun and just ask for an update on that process if I can.

So, first off, with regard to tires. The FAST Act mandated that NHTSA write a rule to ensure that tire pressure monitoring systems cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when inflation pressure has fallen below a significantly underinflated level. NHTSA has yet to take any action on that requirement.

So, Ms. King, I was hoping you could shed some light on when NHTSA will issue a final rule on that tire pressure monitoring system.

Ms. KING. Congressman Kennedy, we have begun work on all requirements in the FAST Act, including the tire rules. It is on our regulatory agenda. We are making progress forward, and we look forward to taking next steps as described in our regulatory agenda. I believe we have a proposed rule step before we go to the final rule step. And I look forward to discussing that with you.

Mr. KENNEDY. And, ma'am, do you have any—I realize I am putting you on the spot a little bit here—do you have any idea, is that months, is that how many months? How long until we think we are getting to that process?

Ms. KING. I would like to consult the regulatory agenda and send you the date that we have currently scheduled. I, myself, have been receiving information about that rulemaking, and, I will say, becoming smarter about the requirements in the tire pressure monitoring system rulemaking.

Mr. KENNEDY. Thank you, ma'am.

Ms. KING. So I know it is something under active discussion, not only from us, but from those interested parties.

Mr. KENNEDY. So if your staff could follow up with that, I would appreciate it. Thank you.

Similarly, with the seatbelt reminder rulemaking, MAP-21 required that NHTSA initiate a rulemaking proceeding to require rear seatbelt reminder systems. Again, my understanding is that NHTSA has not taken any public action on that statutory mandate, and, in fact, the agency has been sued by safety advocates for its failure to take action.

Can you bring us up to date on whether NHTSA has initiated a rulemaking proceeding on the rear seatbelt reminders?

Ms. KING. Again, I would be happy to follow up with you on the date, consulting the regulatory agenda. It is clearly very important to us to protect all occupants of the car. Many of the rulemakings addressing vehicle safety, we do research before we issue a final rulemaking to make sure we consider any unintended consequences of the rulemaking.

Mr. KENNEDY. So, Ms. King, has the process started on that yet, or is it underway? Where are we in it?

Ms. KING. I would be happy to send more information about the status. I will say, unlike the tire pressure monitoring system, I personally have not been engaged in some of the technical details. But I also have a large team that work very diligently on all of the requirements under the FAST Act. I know work has been initiated on all of them. And I am happy to provide more detail about the stage of the work.

Mr. KENNEDY. OK. I would appreciate that.

Finally, the vehicle-to-vehicle rulemaking. NHTSA has issued a notice of proposed rulemaking for vehicle-to-vehicle communications in January of last year with comments due in April of last year. This rulemaking is particularly anticipated by many stakeholders. We have heard from a number of those stakeholders that their plans are on hold until a final rule is issued.

Can you give us any guidance as to what the timeline might be for that as well?

Ms. KING. Absolutely. I think we share an enthusiasm for the safety benefits that vehicle-to-vehicle technologies can offer.

We received, as you know, a large number of comments, very technical comments on the proposed rulemaking, which we are going through now.

The comments had, first of all, technical matter and diverse comments. So we look forward to learning from them. And we certainly hope that the dedicated spectrum will, in fact, be reserved and applied to vehicle safety technologies.

Mr. KENNEDY. So I appreciate that, and obviously safety being a primary concern. If I can push you a little bit here. Again, months?

How many? Where are we? Do you want to follow up again? Kind of how long, what does that timeframe look like?

Ms. KING. We have a commitment to safety and to getting it right. When it comes to complex technologies with a safety relationship, I would commit that we get it right and then we move forward in a way that doesn't pick winners and losers, but in fact is going to optimize the vehicle safety opportunity to the American public.

It is difficult to put a timeline on getting it right, particularly with technical matter, but you have my commitment to work with your staff, to remain engaged, to hear from stakeholders, and make sure that we move forward in a way that assures safety in the best possible manner with respect to vehicle-to-vehicle technologies.

Mr. KENNEDY. Thank you. I have got one last question, but given the time, I will happily submit that for the record.

Thank you, Mr. Chairman. I yield back.

Mr. LATTA. Thank you very much. The gentleman yields back.

The chair now recognizes the gentleman from Indiana for 5 minutes.

Mr. BUCSHON. Thank you, Mr. Chairman.

Thank you, Ms. King, for your service.

I think one of the things, I will just make a general comment, what you are hearing today, and you are well aware of this, is that at Federal agencies it is not necessarily about the money, it is bureaucracy, right? And you have seen the level of frustration of Members of Congress on both sides.

What can be controversial about knowing whether there is a child left in the back seat of a car, right, and have some notification of that? The only controversy is how much it is going to cost to put it in the cars, right? We all know that.

So it is a frustrating thing because, if I had a dime for every time I hear from Federal agencies—this is not to you personally—that we are in the process, legal is looking at it, and this, I wouldn't have to have a job. I would have enough dimes to not have a job.

So I just want you to know and the public to know that there is a high level of frustration amongst not only NHTSA, but other agencies. And since this is about safety, and I was a physician before and others on this committee are concerned about safety, the level of frustration is pretty high, especially when we hear this in hearings across the spectrum.

These rules need to be out there, they need to be done more quickly, not only for safety reasons, but to give an efficient regulatory framework for industry.

So in that vein, with the CAFE standards, for example, and EPA hasn't indicated a timeline for their revised final determination or subsequent proposed rulemaking, I think in the interest of efficiency regulatory framework, we need to get going on this. And so I don't expect you to comment on that.

The one thing is I am interested in the line of questioning about THC. I was a physician. There is evidence to show that chronic THC use in the developing brain, for example, young people, all the way into their mid- to late twenties, has long-term cognitive changes.

And so in that vein, for recreational use, I am against legalization, although there are specific potential medical reasons for having THC available, although it is usually the CBD oil, the CBD extract that actually has the medical benefit.

It seems to me that we need to work more quickly on determining a national standard and what constitutes impairment as it relates to THC. We have states legalizing recreational marijuana, and that is their right. But the Federal level, as you know, it is still a Schedule I drug.

So I am interested, you said there is a roundtable discussion among Federal agencies on this issue. But we need to do more than that. What are your thoughts? We need like a serious working group that meets to try to determine a legal standard.

There is a field sobriety test. People beat that in court. You just get a lawyer and you go to court and you say, "There is no scientific evidence I was impaired," and you question the integrity of the officers or whatever you do, right? And you can win that. You can't do that if you have a blood alcohol level or you blow into a breathalyzer and it says you are 0.1. You can do that.

And so what are your thoughts on that? How do we get to the 0.08 in some states? What was the process of getting to determining, hey, if you have more than that when you blow a breathalyzer, you are impaired?

Ms. KING. Responding to your question about the drugged-impaired driving initiative, I absolutely agree, there should be more. The meeting we have on March 15 is meant to be a summit. We are calling it a call to action. It is a call to action. It is not the only action.

What our goal is with the drug-impaired driving initiative is to set a strategy, to set a path, and to articulate a vision of what good looks like to answer exactly the questions that you are describing. We have in place a framework and a system for alcohol-impaired driving, and we do not have that level—

Mr. BUCSHON. Right. But how did we get there with alcohol?

Ms. KING. How did we get there with alcohol?

Mr. BUCSHON. Yes.

Ms. KING. I was not a part of that process.

Mr. BUCSHON. I know, it has been decades, right?

Ms. KING. Right. So I look forward to having best practices from that dialogue. Many of the experts we are bringing into the summit on March 15 are those who have been engaged in this discussion for some time. So I look forward to learning from them and to sharing those learnings out.

But you have my commitment that as part of the drug-impaired driving initiative, we will be considering all forms of impairment and we will be thinking how can we leverage the learnings of the alcohol-impaired driving experience, expand them to drug impairment, and make sure that everybody understands any form of impaired driving, drug or alcohol—

Mr. BUCSHON. We just need a national legal standard, law enforcement and the courts. If you go and you refuse a drug test, whatever, if you refuse a breathalyzer, whatever, we need a legal test.



And I just don't see that happening at the state level because they don't have the resources to determine that. Even though ultimately they may decide where they want to be on this.

It just seems like time is a factor here. We should have been doing this decades ago.

The reality is, in my opinion as a medical professional, a lot of these things, it is based on money, right? It is just based on, if we determine that here is this legal standard for THC, then we are going to get pushed back from states that have legalized it because a bunch of their people are going to be getting arrested for impaired driving, and that is just the way it is going to be.

With that, Chairman, I yield back.

Mr. LATTA. Thank you very much. The gentleman yields back.

The chair now recognizes the gentleman from Texas for 5 minutes.

Mr. BURGESS. Thank you, Mr. Chairman.

I, too, apologize for not being here. We do have another hearing going on upstairs. I apologize, Ms. King, if this has already been asked.

Obviously, you and Dr. Bucshon were discussing the issue of impaired drivers. I am from a state that has not legalized marijuana, but I recognize that other states have, and so this is a concern that is, I think, something we are going to encounter with greater frequency.

And I think even in your testimony this morning you referenced the combination of, say, alcohol with another substance. And in fact we had just such an incident occurred in a district that I represent a couple of years ago. A young man who was crossing, probably outside of the crosswalk, a fairly busy street, and, yes, it was after dark, was struck by an individual, a young man driving a Jeep.

And the man in the crosswalk died. And the young man who was driving the Jeep, I think had a 0.04 percent alcohol and a positive test, qualitative test for marijuana.

No charges were brought. So his mother comes to see me and says, "What in the world is going on here?" You thought that she had a vendetta against the young man driving the Jeep, but she has lost a son. It does seem like there possibly was some component of impairment of the person who was operating the vehicle and where is the protection for her son in that exchange?

So I would just be interested in some of the things that you are thinking about and doing. Even if it is education for our local district attorneys, that be mindful of the fact that, yes, they are under the legal limit for alcohol, but a positive test for marijuana may be difficult to associate a temporal relationship. But on the other hand, it may have a bearing, and this may be a case that needs to go to the grand jury and not simply dismissed as an unfortunate accident.

So let me hear your thoughts on that.

Ms. KING. Thank you very much, Congressman Burgess. I look forward to continuing to work with you on this.

Although I have only been at NHTSA it is now 20 ½ weeks, I believe today is my 20 ½-week anniversary, already in my time at NHTSA I have spent two visits to the State of California in the fall where they have been educating me about the work that is being

done in the laboratories, in the DUI courts. I have met with prosecutors who are finding ways to prosecute despite the difficulty in actually having good, robust laboratory results that are temporally appropriate for determining impairment in a prosecution.

What I have found is, yes, we have a ways to go, but, yes, we have some best practices to share. What I have found at NHTSA is that we have pockets of activity in different places. In the County of Orange in California, again, Congresswoman Walters' district has a great deal of learnings for us, but other areas as well where we can both leverage the best practices. But there are still gaps.

None of us, no one alone is going to solve the problem, and none of us alone have the answers. My role at NHTSA, I am not a physician and I certainly have not had a history of working only on this issue, but at NHTSA our concern for safe driving gives us the opportunity to convene and to bring together the dialogue and to foster a community that can leverage our strength together.

I want to make sure that the best practices are identified so that we can all start using them to save lives today, and that we set a strong vision for where we need to be as a country, identifying the gaps and identifying where we are on progress toward those gaps so we can close them.

It is unacceptable that we would see people, understanding with our Nation's history that impairment kills, it is unacceptable that we would allow continued impairment from illicit drugs to injure families on our roadways.

It is heartbreaking. You described a story. We all feel the pain of needless loss at every life, in particular around needless impaired driving.

Mr. BURGESS. So there was a young man who came to see me whose parents were lost in an automobile accident where the driver of the truck that hit them was impaired, and even admitted the impairment. His frustration was, even though this individual went to jail, it was for a 3-month time for driving with a suspended license. The impairment did not even enter into the prosecution. And that is a thing I think we have to address.

Thank you, Mr. Chairman. I will yield back.

Mr. LATTA. Thank you very much. The gentleman yields back.

The chair now recognizes the gentlelady from California for 5 minutes.

Mrs. WALTERS. Thank you.

Thank you, Ms. King, for being here today.

And I appreciate NHTSA's recent announcement to launch its drugged-driving initiative. Law enforcement, we know, must have the tools it needs to determine impaired driving, particularly drug impairment.

Last Congress we passed the FAST Act, which included language I championed that required NHTSA to study marijuana-impaired driving and how it affects individuals behind the wheel. Additionally, that study asked NHTSA to work on a roadside test for impairment, including a device capable of measuring marijuana levels. My colleagues have also raised this issue.

But I would like to get some more of your thoughts beyond addressing the legal limits of the challenges we face in addressing

drug impairment on our roadways and what steps that Congress can take to start addressing this issue.

Ms. KING. First of all, Congresswoman, may I thank you for your support of the marijuana report to Congress that was submitted last year. That report was in fact one of the pieces that educated me and caused me, as I stepped into my role at NHTSA, to take on the drug-impaired driving initiative.

So thank you very much for your leadership on this issue that is of such critical importance at the Federal, state, and local levels.

I do not at this point have a recommendation for congressional action because there is what is known and what is not known. I don't feel as though there has been a comprehensive assessment of the gaps across all drug-impaired driving.

We have, as a Nation, spoken about marijuana-impaired driving, THC products. We have spoken about opioid-impaired driving. But in fact the laboratories, and I will cite the crime lab of Orange County in your own community, they are testing now for 46 different substances, I believe.

And what I hear from the toxicologists in your community is that not only is it a challenge that people may have several substances on board at the same time, or that they may be masking with alcohol, but in fact that the specific chemical substances change. If it is a synthetic substance, the formula changes, and that means that the chemical test the toxicologist must apply, that will change, too.

So forgive me for getting in the weeds a little bit too much there.

But thanks to the work that you encouraged that was submitted last year, and thanks to the very skills and the patience of those who have been educating me where the rubber hits the road, where the risks are in the field, I have taken on that commitment to figure out what are those gaps, in partnership with the stakeholders, state, and local governments. What do we know? What do we not know?

And then, from there, set a vision for a course for the future, which I think it would be appropriate for us at that time to get back to you with what we think the gaps are and where working with Congress is absolutely a critical piece.

If I might add, public awareness is already identified as a gap. People know that they should not drive with alcohol impairment, but in speaking with the local law enforcement officials, it sounds as though our communities may not be as aware that it is not OK to drive buzzed. We have at NHTSA public awareness campaigns through our partnerships with states. We are trying to raise awareness, but simply helping people understand that driving impaired with drugs can kill. That is an immediate gap that we know that we can address today. I would seek your support and partnership on that. It is important we educate the public to drive safely when they are ready to drive and not when they are impaired.

Mrs. WALTERS. I think that is a really good point because, for so many years, it was all about drunk driving. And now we have entered sort of a new phase, if you will, on this whole marijuana issue that we have to reeducate our people in this country to make sure that they understand. That is a really good point.

I also introduced H.R. 3405, which was included in the SELF DRIVE Act, that expands the FAST Act testing exemption to new

entrants developing safe-driving technology. Can you please speak to how important it is to maintain a level playing field for any type of company that wishes to test this technology?

Ms. KING. And thank you very much for that provision. We think it is very important that the emerging technologies be developed by people who are able to do it best. We think in this time of very revolutionary changes in automotive safety technology that there may be ideas coming from the traditional auto manufacturers, but there also may be ideas coming from academia or other organizations as well. So we think it is very important that we have an environment that welcomes safety driving technologies from wherever it comes, as we go through this journey of seeing safe deployments and testing on our roadways.

Mrs. WALTERS. One last question. In your testimony, you state we are currently undergoing transportation transformation. And if we delay action on these changes, such as self-driving vehicles, do you believe investment and innovation will be moved abroad?

Ms. KING. As an economist, I am formally trained as an economist, and I believe that the investment will generally go where the return is, and so I would like to see that the investment in these potentially life-changing technologies remain here in the United States, that we maintain a leadership role in automotive technology.

Mrs. WALTERS. Thank you. I yield back.

Mr. LATTA. The rest of the gentlelady's time has expired.

The chair now recognizes the gentleman from Pennsylvania for 5 minutes.

Mr. COSTELLO. Thank you, Mr. Chairman.

Ms. King, I introduced H.R. 3411, legislation that was eventually rolled into the SELF DRIVE Act which brings together stakeholders to make recommendations on cybersecurity for testing and deployment of self-driving vehicles. Can you share with me your observations on the importance of cybersecurity concerns and the role that NHTSA will be playing?

Ms. KING. I will be very happy to. Thank you for the question. Cybersecurity is clearly very important to us as we have become an increasingly digital world, and automotive technology is a part of that. One of the roles that NHTSA is playing is in encouraging the conversation through the Auto ISAC, the Information Sharing and Analysis Center, which is a collaborative group of auto manufacturers and cybersecurity experts and also suppliers into that industry developing best practices for sharing information. We did issue a guidance in 2016 which we are very proud of. We have also asked that manufacturers disclose in their voluntary safety self-assessments how they consider cybersecurity.

I would add a key component of this in my own personal message on cybersecurity is that cybersecurity is not the domain of highly technical experts alone, but in fact cybersecurity is a concern to all of us. We see from our experience, whether it be on our home computers or on our phones, that there may be vulnerabilities that are driven by users. And so part of the cybersecurity journey will be to educate all of us to be thoughtful about how we use our devices or our cars and make sure that we all are sensitive and partners in the cybersecurity journey.

NHTSA is very excited about the Auto ISAC in particular and looks forward to having more to share out of that effort.

Mr. COSTELLO. What is your expectation on deliverables?

Ms. KING. On deliverables? We do have a guidance that was issued in 2016, and we are now expecting to see more voluntary safety self-assessments from manufacturers which will describe how they address cybersecurity. What we see during this time of rapid technology change is that the deliverables evolve depending on the need and out of the dialogue. So I expect to see more work out of the Auto ISAC. I expect to see manufacturers not only issuing their voluntarily self-assessments but perhaps updating them to reflect what they learned as the technology evolves and as they learn from one another. And then NHTSA of course will stand ready to continue to add or shape the conversation and to continue to drive the importance of this issue going forward.

Mr. COSTELLO. Now that is separate and apart from the new safety data initiative that will integrate data on highway design data with known crashes so that DOT will be able to analyze and estimate crash risk. Is that correct? That is a separate initiative?

Ms. KING. That is right. We have two initiatives actually at the Department, one of them the safety data pilot programs and one of them specifically with respect to the automated driving systems. The automated driving systems data pilot programs or pilot dialogue as well. Both of them are intended to help us modernize the way we think about the use of data. With automated drive systems, we are thinking about data-driven safety. We think about our role at NHTSA as a facilitator. We think about, where can we start small and then scale up in order to coordinate the use of data, reduce costs, and improve the effectiveness of data for managing safety risks? The pilot programs are an effort to understand whether the rich sources of data that are not talking together today can be better leveraged to forecast risks on our highways so that we can operate more safely.

Mr. COSTELLO. How do you view V-2-V technology maturing? And at what point in time do you think that we will see either more guidance from NHTSA or sort of whole scale buy-in from the automotive industry? Much is there, I think, but there is a little bit of—I don't way to say tension, but could you just share your observations on what you see moving forward there?

Ms. KING. It is a very interesting time. We all recognize the value of the safety benefits that can come from V-2-V technology. I don't know whether tension is the wrong word in that we see that technologies emerging and hopefully learning from one another. The critical thing here is to make sure that, as we progress, given the importance of the safety technologies to our roadways and to our drivers and consumers, that the technologies evolve in a way that provides the benefit that we all hope for. At the Department of Transportation, we like to avoid picking winners and losers. Right now, there is a vigorous discussion among I will say the more technical people and the suppliers and manufacturers around I will say two key technologies in particular. I encourage that discussion, even if it does bring tension, because we need to get the answer right for the Nation.

Mr. COSTELLO. Sure. Before I yield back, I would agree, I am not sure tension was the right word. I think obviously there is a little bit of uncertainty, and that may owe itself to the fact that the technologies are still evolving, and we don't want to cement things too early. So I think that I appreciate you for coming up with a better word than the word that I used in the premise of my question.

I yield back, Mr. Chairman.

Mr. LATTA. The gentleman's time has expired.

At this time, seeing that there are no other members asking questions today, Ms. King, we really appreciate your testimony today. And you kind of walked around the entire spectrum of what we are looking at. A lot of issues that the members had today were about safety, cybersecurity, issues with THC. When I was in the Ohio legislature for 11 years and chairing the judiciary and the criminal committees there, these were issues that we dealt with, especially talking you go about THC, and the question was, when you are looking at drugged driving and not drunk driving, but also when you are talking about what we were looking at today the with DUID and also about masking. And so there are a lot of things going on out there. I know, in Ohio, on some of our roads, we have got signs up to report to the highway patrol about drugged driving right now. So there are a lot of things out there. And we appreciate your testimony today, but we expect that from someone who is a former E&C'er. So we appreciate your being with us today.

I have a letter, a document that has been submitted for the record by unanimous consent, a letter from the Center for Auto Safety. If there is no objection, the letter is accepted without objection.

[The information appears at the conclusion of the hearing.]

Mr. LATTA. Pursuant to committee rules, I remind members that they have 10 business days to submit additional questions for the record. I ask witnesses to submit their responses within 10 business days upon receipt of questions.

And, without objection, the subcommittee will stand adjourned.

[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]



February 14, 2018

Chairman Robert Latta  
Committee on Energy and Commerce  
Subcommittee on Digital Commerce and  
Consumer Protection  
2125 Rayburn House Office Building  
Washington, DC 20515

Ranking Member Jan Schakowsky  
Committee on Energy and Commerce  
Subcommittee on Digital Commerce and  
Consumer Protection  
2322A Rayburn House Office Building  
Washington, DC 20515

**RE: Oversight of the National Highway Traffic Safety Administration**

Dear Chairman Latta and Ranking Member Schakowsky:

The Center for Auto Safety (“the Center”) submits the following letter in connection with today’s hearing where the Subcommittee is engaging in its vital oversight role over the National Highway Traffic Safety Administration (NHTSA). The Center, founded in 1970, is an independent, non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy not only for our members, but all drivers, passengers, and pedestrians across the country. We appreciate the Subcommittee conducting this hearing and stand ready to assist in any way we can to improve the effectiveness of the agency that 330 million Americans depend on for the safety and quality of the vehicles on our roads.

On behalf of our members nationwide, the Center calls upon Congress, to both authorize and appropriate budgetary levels commensurate with the scope of the task which presents itself for NHTSA at a moment unlike any other in the history of the automobile.

As you know, in FY 2018, despite pledges to make a safety a priority, the budget request submitted on behalf of the Department of Transportation (DOT) would slash NHTSA’s funding by almost 25% from its FY 2017 request.<sup>1</sup> This dramatic cut comes at a time when there are more than 37,000 traffic deaths and over 2 million serious injuries caused by traffic incidents annually. Sadly, 2016 saw 5.6% more traffic deaths than the year before. We need a more effective and empowered NHTSA, not a weakened agency.

Congress, from time to time, has chosen to enact a higher level of funding to a safety agency than the level requested by the Executive branch. Once again, on behalf of all Americans impacted by vehicle safety, we call upon you to take a similar path for FY 2018 and beyond.

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<sup>1</sup> The recently released FY 2019 budget request by DOT slashes funding by an additional 19 percent.

### **Enforcing the Law**

NHTSA's mission, which is to reduce deaths, injuries, and economic losses resulting from motor vehicle crashes, provides a jurisdiction covering all passenger motor vehicles in the United States. Unfortunately, there is a lot of work for NHTSA to do. In addition to the rising number of deaths caused by traffic crashes every year, recalls as a result of defective vehicles are on the rise as well. In 2016, there were over 53 million vehicles recalled, which was the third year in a row with recalls exceeding 50 million. These numbers include, but are not limited to, the 37 million vehicles and counting, under recall because the defective Takata airbag inflators. In other words, even without Takata, there are tens of millions of defects resulting in recalls across all auto manufacturers.

Yet, despite these record setting recall figures, NHTSA's Office of Defects Investigation (ODI), the unit directly responsible for conducting defect investigations and overseeing recalls remains chronically underfunded and understaffed. In FY 2015, NHTSA's total budget was \$830 million with 612 full-time equivalent (FTE) staff. Vehicle Safety's share of this total was \$130 million and 341 FTEs, of which \$9.7 million and 54 FTEs was for ODI. Incredibly, despite the record number of recalls and the increase in motor vehicle deaths, injuries, and societal costs since 2015, in its proposed FY 2018 budget, NHTSA has reduced its request for ODI funding down to \$9.11 million. American drivers deserve more cops on the safety enforcement beat.

### **Self-Driving Cars**

When it comes to self-driving cars, it is essential NHTSA plays an integral role in ensuring the safe operation of these robot-vehicles. Research has always been a key function of the agency and must continue to be a priority as the cars of the future are being conceived, tested on the open road, and eventually deployed in our neighborhoods. Yet, when examining the FY 2018 budget, "Vehicle Safety Research and Analysis activities" which are designed to "enhance the safety and security of automotive electronic control systems while supporting the safe adoption of vehicle automation technologies,"<sup>2</sup> one finds a request reduced by over \$1.3 million, down to \$33,121,600. At a time when this Congress is considering new legislation to speed the pace of the development of self-driving vehicles and when private industry is spending tens of billions of dollars in this space – the federal government must be able to, at the very least, maintain its current funding to provide the necessary oversight of this potentially society changing technology. A reduction in research funding works in opposition of this goal.

### **Writing Rules of the Road**

NHTSA's Safety Standards Support program is responsible for promulgating the rules that Congress directs be written. An even playing field that provides guidance for all players in the auto manufacturing space is necessary for safety and a well-operating

<sup>2</sup> NHTSA Budget Estimates FY 2018, p. 64, available at: [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy2018-nhtsa\\_cj-05162017-final.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy2018-nhtsa_cj-05162017-final.pdf)



Center for Auto Safety letter to Chairman Latta and Ranking Member Schakowsky

marketplace. Yet, as technology advances, the job of writing the relevant rules becomes even harder. As NHTSA's budget says:

Motor vehicle technology is becoming increasingly complex and more knowledge and expertise are needed to inform policy decisions. As the ability of motor vehicles to sense and respond to the driving environment increases, there is a greater need to modernize standards that keep pace with technology. As the technology becomes more complex, the rulemaking activities must be more sophisticated and informed in order to support this technology.<sup>3</sup>

Nonetheless, for FY 2018, NHTSA has requested a reduction in funding for this complex function, going down from an already small \$2.095 million to \$2.04 million. This move will only undercut the timeliness of rulemakings and harm consumer safety.

### Comparison

While no two agencies are identical in size or mission, it is worth noting how underfunded NHTSA is in comparison to one of its fellow safety agencies at DOT. Great success has been found at the FAA, as some reports note that 2017 may have been safest year to ever fly.<sup>4</sup> Decades of hard work in the public and private sector, technological advances, a successful regulatory framework, and adequate funding all working in concert delivered these results. Perhaps accordingly, the Federal Aviation Administration (FAA) budget request for FY 2018 is \$16.2 billion. We would note this is a figure that is more than 16 times NHTSA's request of \$899 million despite there being approximately 37,000 more deaths in motor vehicle traffic crashes than in commercial plane crashes on an annual basis. All safety is a critical government function, be it in the air or on the ground. Still, it is difficult for the vital work that needs to be done by NHTSA to take off when it is being held without clearance to taxi down the runway.

### Conclusion

More funding alone will not make any safety agency function perfectly. The ability for NHTSA to realize its full potential to save lives, prevent injuries, and reduce the economic burdens we all face due to crashes on our nation's roads lies with its leadership, its dedicated career staff, and the multitude of stakeholders with which it works on a daily basis. However, the agency tasked with overseeing so much of our nation's traffic safety cannot reach this potential with one arm tied behind its back. Underfunding this critical agency is counterproductive to the safety goals I am sure we all share.

On behalf of the Center for Auto Safety and our members, thank you for your attention to this important matter.

<sup>3</sup> NHTSA Budget Estimates FY 2018, p. 32, available at:

[https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy2018-nhtsa\\_cj-05162017-final.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/fy2018-nhtsa_cj-05162017-final.pdf)

<sup>4</sup> Dave Shephardson, *2017 safest year on record for commercial passenger air travel: groups*, Reuters, January 1, 2018, available at: <https://www.reuters.com/article/us-aviation-safety/2017-safest-year-on-record-for-commercial-passenger-air-travel-groups-idUSKBN1EQ17L>

Center for Auto Safety letter to Chairman Latta and Ranking Member Schakowsky

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Levine". The signature is fluid and cursive, with the first name "Jason" and last name "Levine" clearly distinguishable.

Jason Levine  
Executive Director

cc: Honorable Greg Walden  
Honorable Frank Pallone  
Honorable Mario Diaz-Balart  
Honorable David Price  
Deputy Administrator Heidi King

GREG WALDEN, OREGON  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641  
April 12, 2018

Ms. Heidi King  
Deputy Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590


Dear Ms. King:

Thank you for appearing before the Subcommittee on Digital Commerce and Consumer Protection on, Wednesday, February 14, 2018, to testify at the hearing entitled "Oversight of the National Highway Traffic Safety Administration."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Thursday, April 26, 2018. Your responses should be mailed to Ali Fulling, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [ali.fulling@mail.house.gov](mailto:ali.fulling@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,  
  
Robert E. Latta  
Chairman  
Subcommittee on Digital Commerce  
and Consumer Protection

cc: Jan Schakowsky, Ranking Member, Subcommittee on Digital Commerce and Consumer Protection

Attachment

### Additional Questions for the Record

#### **The Honorable Robert E. Latta**

1. Can you please give us a brief update on the New Car Assessment Program (NCAP)? We know NHTSA asserts the program has influenced manufacturers to build vehicles that consistently achieve high ratings.

**RESPONSE:** Because of the recent increase in the rate of automotive technological change, NHTSA is evaluating how to maintain a program that informs consumers and encourages manufacturers to continue to prioritize safety innovations. In 2015, NHTSA announced plans to significantly upgrade NCAP. NHTSA reviewed public comments on its 2015 plans and is working with the Administration on next steps.

- a. What are the forthcoming actions on NCAP? Is there a timeline for enhancing NCAP and including autonomous vehicles?

**RESPONSE:** In 2018, NHTSA plans to engage stakeholders on its next actions for NCAP – the public comments received in response to the 2015 notice demonstrated the need for a dialogue regarding the types of information that would be most helpful to consumers and the types of tests and rating systems would be best suited to achieve program goals. NHTSA plans to give consideration to advanced driver assistance systems that have the potential to further automotive safety.

#### **The Honorable Adam Kinzinger**

1. I appreciate you addressing my question regarding my recalled parts provisions in the FAST Act, however your response at the hearing (as well as the subsequent written explanation your staff sent to my staff) regarding the status of my provision actually seems to address a different provision regarding batch look up of VINs. That provision did, indeed, require a study. To clarify, the batch provision that you reference is Section 24103. But that is not the Kinzinger provision that I am inquiring about which is Section 24116.

Section 24116 requires automakers to provide recalled parts data and does not expressly mention batch data. Section 24116 reads as follows:

SEC. 24116. INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL. Section 30119 of title 49, United States Code, is amended by adding at the end the following:

"(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.-A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific

component or components, include in such report, with respect to such component or components, the following information:

- "(1) The name of the component or components.
- "(2) A description of the component or components.
- "(3) The part number of the component or components, if any."

For NHTSA to adequately address my provision from the FAST Act, it is my belief that it can only be accomplished through comprehensive access to both original equipment part numbers of recalled parts tied to specific VINs and other OE parts identification information. It is important that automotive manufacturers and professional automotive recyclers come together to enhance overall motor vehicle safety, help improve recall remedy rates, and effectively address the federal recall remedy requirements for used equipment enacted 15 years ago in the TREAD Act.

- a. Will you commit to having NHTSA host a high-level Recall Safety Summit of stakeholders to more effectively address this outstanding safety issue that has not been addressed in the past 26 months since its passage?
- b. Please provide any other updates regarding Section 24116, which is critically needed for the efficient identification of safety recalled parts in the automotive supply chain, especially by automotive recyclers.

**RESPONSE:** NHTSA agrees that information on component parts can be critical for the efficient identification of safety recalled parts.

Manufacturers have been required to provide this information since section 24116 came into effect. In other words, manufacturers are required to provide component name, description, and part number information in the Part 573 recall reports they file with NHTSA. That requirement became effective with the FAST Act. In early 2017, NHTSA provided guidance to manufacturers on how to submit this information on Part 573 recall reports. As a result, manufacturers are not only aware of the requirement, they also know how NHTSA expects this information to be shared.

Thank you for your suggestion for NHTSA to host another Recall Safety Summit. This suggestion is under serious consideration. In the meanwhile, NHTSA has continued to engage with stakeholders on how to address this recall safety more effectively.

For example, NHTSA staff has met with members of the professional automotive recycler industry to understand what challenges the industry faces in removing recalled parts from circulation. NHTSA has discovered that the professional automotive recycler industry has challenges identifying recalled parts because of the sheer volume of its inventory. Upon further discussions, NHTSA and the automotive recycler industry agree that using a bulk VIN look up tool would allow the professional automotive recycler industry to trace a recalled part to a specific VIN more efficiently.

On March 23, the Alliance of Automobile Manufacturers, Association of Global Automakers, and Carfax announced the launch of a new tool that would allow recyclers, as well as other commercial and governmental entities to conduct bulk searches for open recalls free of charge. The search tool is available at [www.freeautorecallsearch.org](http://www.freeautorecallsearch.org).

NHTSA will continue to work with all stakeholders to ensure the effectiveness of recalls.

2. In November of last year, the GAO released a report titled: "Automated Vehicles: Comprehensive Plan Could Help DOT Address Challenges." The report indicated that "DOT recently formed a group to lead policy development in the future, but has not announced a detailed timeline or scope of work. Without a comprehensive plan, it is unclear whether DOT's efforts are adequately tackling AV challenges." The report also indicated that "states are ... responsible for registering vehicles, licensing drivers, educating drivers, and regulating auto insurance." My home state of Illinois is home to numerous large, medium, and small auto insurance firms. The SELF DRIVE Act recognizes the long standing regulation of auto insurance at the state level.

- a. Please explain, in as much detail as possible, NHTSA and DOT's outreach (referenced above) to the automobile insurance market participants, state insurance commissioners, state legislators, and consumer groups.

RESPONSE: NHTSA is committed to frequent and transparent outreach to stakeholders, including insurance market participants, state representatives and consumer groups.

To that end, the Office of the Secretary, NHTSA, and other DOT modes have convened multiple public meetings, workshops, listening sessions, and webinars over the past six months. These events include a wide spectrum of interest and topics and have been attended by representatives from the insurance and liability sector. Information and summaries regarding these meetings can be found at [www.transportation.gov/AV](http://www.transportation.gov/AV).

- b. Has a timeline, scope of work, or comprehensive plan been established, to date?

RESPONSE: DOT is working aggressively to develop a plan that responds to the GAO recommendation, as outlined in the Joint Explanatory Statement to the Consolidated Appropriations Act. The plan will include goals, priorities, steps to achieve results, milestones, and performance measures to track progress.

3. The November GAO report mentioned in Question 2 also raised questions about data privacy, ownership of data, and access to the data from AVs. The report indicated that "DOT officials indicated that they expect existing data privacy policies and disclosure agreements to apply to AVs." It is likely too early to determine what the insurance and liability landscape will be as AVs proliferate. NHTSA may have an opportunity to play an important role in convening interested parties-be they state insurance commissioners,

auto insurance companies, the OEMs, or others-to facilitate dialogue about the flow of AV data in the future while simultaneously recognizing and respecting the role of states in regulating auto insurance.

- a. Do you agree with this assessment?
- b. Do you see NHTSA playing a role in the realm of data flows? If so, please describe your vision.

**RESPONSE:** NHTSA believes that data privacy, ownership of data, and access to data from Automated Driving Systems are important topics. NHTSA will have a primary role as it relates to data associated with vehicle safety, such as data required for crash reconstruction. NHTSA is already working with SAE International to develop the parameters for data that may be necessary to reconstruct a crash involving a vehicle equipped with an Automated Driving System.

NHTSA takes consumer privacy seriously and will diligently assess the privacy impacts on individuals of any safety regulations or guidance it issues, including those related to Automated Driving Systems. NHTSA also will continue to work collaboratively with the Federal Trade Commission (FTC) and rely on its expertise and jurisdiction to address vehicle data and other consumer privacy issues outside of NHTSA's vehicle safety authority.

#### **The Honorable David McKinley**

1. According to NHTSA data, we have recently experienced one of the largest percentage increases in vehicle fatalities in nearly 50 years. It is critical that NHTSA continues to update its crash countermeasures to protect consumers and reverse this trend. Can you provide me with the latest information on NHTSA's efforts to update its crash countermeasures and how the agency is taking into account new innovations, such as lightweight materials that did not exist when NHTSA's current countermeasures were created, to improve structural safety guidelines?

**RESPONSE:** NHTSA shares your concern about the increase in crash fatalities and that is why we are investing in innovative strategies to improve both the safety of vehicles and the behavior of drivers and other road users.

To make vehicles safer, the agency is studying new materials used in vehicle structures and evaluating how lightweight materials can reduce weight and improve fuel economy without reducing safety. For example, NHTSA recently completed a study on the application of thermoplastic carbon fiber materials to optimize weight and safety for side-impact crashes. NHTSA is also developing a new generation of crash test dummies for front- and side-impact crash tests that will allow better predictions of injury risk across a wider range of body regions and injury types. The agency is developing a new crash test to evaluate air bag and seat belt performance in offset frontal crashes and refining

computer simulation models so new vehicle designs can improve safety for a wider range of human body types, including obese and elderly occupants. New approaches are also being used to evaluate rollover safety, the safety of rear seat occupants, seat belt requirements, occupant safety in low-speed crashes, and child seat performance.

To make further progress in safe behaviors, NHTSA is responding to emerging problems with new program initiatives. Agency data shows that drug-impaired driving is increasing and in March 2018 the agency convened a Call to Action meeting to hear from stakeholders, identify priorities and launch a coordinated national effort to understand and control the problem. Experts at the event identified several key areas for focus, including improvements to criminal justice systems, data collection and toxicology practices.

State and local traffic safety programs are often the source of innovative behavior change strategies. A series of regional listening sessions will be conducted this year to gather further information on strategies to control drug-impaired driving. NHTSA and the Federal Highway Administration (FHWA) are also supporting a series of Safe System Innovation Grants through the Road to Zero Coalition to encourage new approaches that combine roadway, vehicle and behavior-based methods to improve traffic safety. The National Safety Council, with the support of NHTSA and FHWA, administers these grants – seven grants awarded in 2017 and eleven in 2018, for a total of \$2.5 million. NHTSA, FHWA and the Federal Motor Carrier Safety Administration (FMCSA) collaborate in supporting the Road to Zero Coalition which now includes more than 700 organizations.

#### **The Honorable Larry Bucshon**

1. Ms. King, NHTSA has indicated it will propose CAFE regulations for 2022-2025 model years by the end of March or early April. EPA has not indicated a timeline for their Revised Final Determination or any subsequent proposed rulemaking. How is NHTSA coordinating with EPA to ensure a coordinated approach and schedule that results in an efficient regulatory framework?

**RESPONSE:** We are working closely with our counterparts at EPA to develop coordinated proposals for issuance as soon as possible.

2. As you know, glider kits are brand new commercial trucks absent the engine, transmission, and rear axles. Glider kits originated as a means to replace a badly damaged truck chassis and cab, while reusing the damaged truck's powertrain. Now a new industry has been birthed, where manufacturers are installing older remanufactured engines into these glider kits in growing numbers, producing new glider vehicles which have avoided EPA and NHTSA emission and safety regulations. Glider vehicle manufacturers are clearly manufacturers of new motor vehicles according to NHTSA regulation §571.7(e). Are these manufacturers meeting basic legal requirements to register with NHTSA as manufacturers, to define VIN configurations, and to file safety defect reports? What is



NHTSA doing to ensure that glider manufacturers are complying with all existing heavy duty Federal Motor Vehicle Safety Standards, and to take enforcement actions where appropriate?

RESPONSE: We understand the concerns about the status of these remanufactured vehicles. The question of whether a vehicle built from a glider kit is a new vehicle produced by a “manufacturer” under our statute or a used vehicle that has simply been rebuilt is very fact dependent. Under 49 CFR § 571.7(e), certain vehicles built with a combination of new and used components are not considered to be new vehicles whose rebuilders must design to comply with the National Highway Traffic and Motor Vehicle Safety Act of 1966. This “glider” exception applies when a new cab or body is put on a truck when the engine, transmission, and axles are not new and at least two of those components are from the same vehicle. When a glider is built with engines, transmissions, and axles obtained from disparate sources and no two of the three are from the same vehicle, the vehicle is not a “glider,” but is a newly manufactured vehicle and thus must comply with all applicable Federal Motor Vehicle Safety Standards.

3. Ms. King, I introduced HR 3421, which was eventually rolled into the SELF DRIVE Act that directs the Secretary to establish a publicly available and searchable electronic database for motor vehicles that have been granted an exemption. The goal of this bill is to increase transparency between the federal government and the public. How important is communication between NHTSA, the States and the public at large?

RESPONSE: Communication and transparency with the public and States are important to NHTSA and DOT. In 2018, NHTSA plans to propose changes to update the administrative procedures for exemption petitions, including efforts to increase processing efficiencies and public access to documents, data and information.

4. Ms. King, in your testimony you mention that NHTSA is adapting your mission given the rapid pace of change in the current transportation landscape. Can you please talk about what NHTSA is doing to adapt and how NHTSA is leveraging new technology to improve safety?

RESPONSE: NHTSA is adapting its processes to be more responsive as well as pursuing research and regulatory initiatives that are technology neutral and modernize our regulations to remove unintended barriers to new safety technologies.

For example, in January of this year, NHTSA published a notice seeking comments to identify any regulatory barriers in the existing Federal Motor Vehicle Safety Standards (FMVSS) to the testing, compliance certification and compliance verification of motor vehicles with Automated Driving Systems (ADSs) and certain unconventional interior designs. These comments will aid the Agency in setting research priorities as well as inform its subsequent actions to lay a path for innovative vehicle designs and technologies that feature ADSs, particularly those systems that promise to enhance safety.

In addition, given the rapid pace of technology and the potential impact that Automated Driving Systems could have to improve safety dramatically on our roadways, NHTSA is also working with industry to ensure safety is a priority. To support the safe testing and deployment of these systems, Secretary Chao issued "A Vision for Safety 2.0," a flexible framework that is adaptable as the technology continues to evolve.

Another area in which NHTSA is adapting to the rapid pace of change is with respect to driver behaviors. Evidence is growing that drug-impaired driving is on the rise in many regions of the U.S. and to address the risks on our roadways NHTSA has launched an Initiative to combat drug-impaired driving as well as alcohol-impaired driving. NHTSA supports research in the identification of impairment, as well as counter-measures and tools such as Driver Alcohol Detection System for Safety ("DADSS") and oral-fluid testing for THC.

5. Ms. King, who is NHTSA partnering with on its newly announced Drugged-Driving Initiative and how can we on this committee support the work you're doing at NHTSA on this very important issue?

**RESPONSE:** NHTSA is partnering with a wide range of stakeholders on the new Drug-Impaired Driving Initiative, including the Office of National Drug Control Policy and other Federal agencies, as well as State and local governments, law enforcement organizations, health and medical practitioners, prosecutors, toxicology professionals, advocacy organizations, and others who can help prevent drug-impaired driving.

NHTSA will convene a stakeholder group on June 15 to coordinate national efforts, followed by a series of regional meetings to gather information on State and local needs and innovative program approaches. NHTSA also plans to convene two expert groups this summer to develop guidance for strengthening State criminal justice systems and toxicology practices. The agency will also develop a National advertising campaign for release by the end of calendar year 2018 to educate motorists about the dangers of drug-impaired driving.

The additional \$5 million provided by Congress in the Consolidated Appropriations Act, 2018 will help NHTSA further its work to address impaired driving.

We look forward to working with the Committee and its members to address these emerging risks on our roadways. In the near term, we appreciate your support to help raise awareness that drug-impaired driving is dangerous.

#### **The Honorable Jan Schakowsky**

1. NHTSA's public planning for self-driving cars has been focused on "eliminating unnecessary regulatory barriers." But self-driving cars use many new technologies, such as a variety of sensors. Those sensors may require new safety standards. What specific

new motor vehicle safety standards are needed to address new technologies? When will NHTSA initiate rulemaking proceedings for those safety standards?

RESPONSE: We share your view that the safety of vehicle components is critically important in vehicle safety. NHTSA is in the process of exploring these issues related to technologies that are not yet deployed or are still developing. The National Highway Traffic and Motor Vehicle Safety Act does not allow NHTSA to set new safety standards in the absence of objective information as to whether potential standards are reasonable, practicable, and appropriate. 49 U.S.C. 30111. Further research is needed before we can consider whether or how new standards may be appropriate. However, manufactures are still required to design motor vehicles and motor vehicle equipment free of unreasonable safety risk and NHTSA maintains its existing enforcement authority.

Last September, Secretary Chao released A Vision for Safety 2.0, our new voluntary guidance to support and encourage the growth of automated vehicles. A Vision for Safety paves the way for the safe testing and deployment of Automated Driving Systems by providing voluntary guidance that encourages best practices and prioritizes safety.

2. At the hearing, you stated that the President's Budget reflects the resources you believe NHTSA needs. How are you planning to reorganize or redistribute staff and resources to address the changing needs of the agency? How will you ensure that staff have the skills and knowledge needed to address new technologies, including automated technologies?

RESPONSE: NHTSA's number one priority is safety, and every action the agency takes is in support of its mission to save lives, prevent injuries, and reduce the economic costs due to crashes. The fiscal year (FY) 2019 President's Budget request does not propose a reorganization or broad redistribution of staff responsibilities to meet the evolving highway safety challenges facing the agency and the American driving public. Rather, it lays the groundwork for NHTSA to respond effectively to the changing technological environment and address new safety challenges proactively. To this end, the FY 2019 request includes funding to support research into complex safety-critical electronic control systems; vehicle cybersecurity; and new and emerging technologies that can help drivers avoid crashes, including a targeted \$10 million investment to support the safe development and deployment of Automated Driving Systems. NHTSA recognizes that the rapid pace of technological change may require the agency to adapt, and to that end, we will be looking at existing vacancies and reprioritizing hiring decisions to onboard employees with the appropriate expertise to ensure NHTSA's long term effectiveness.

3. At the hearing, some of my colleagues and I asked you when some specific overdue rulemakings would be finalized. You were unable to provide specific dates at the hearing. And I have a few more overdue rulemakings to ask you about. While I agree that safety should not be rushed, some of these rules are years overdue. For each of the following rulemakings, please provide the specific date on which the rulemaking was initiated, the date on which the NPRM was issued, and when a final rule will be issued. If final rules have been issued on any of the below directed rulemakings, please cite the publication of that rule in the Federal Register.

RESPONSE: NHTSA appreciates the opportunity to follow-up on your questions regarding overdue rulemakings. Specifically, you asked NHTSA to explain why the agency missed the statutory deadlines for Congressional mandates and requested that NHTSA provide a status update and planned completion of the rulemaking.

NHTSA continues to work on completing all the mandates, including the MAP-21 and FAST Act mandates you reference. The status of the rulemakings and our estimates for completing them are provided below.

- a. Section 31501 of MAP-21 required a rule to better protect children in car seats in side impact crashes. This rule is already two years overdue.

RESPONSE: NHTSA initiated research in 2009 to develop a side impact test procedure for evaluating side impact protection of child restraint systems. An NPRM was issued by the agency on January 28, 2014 towards fulfillment of the provision in Section 31501 of MAP-21. NHTSA plans to publish the final rule in 2018.

- b. Section 31502 of MAP-21 required a rule improving child restraint anchorage systems by 2015. NHTSA issued a notice of proposed rulemaking in 2015, but there has been no further action.

RESPONSE: NHTSA initiated a rulemaking in February 2012 to improve on the usability of child restraint anchorage systems. An NPRM was issued by the agency on January 23, 2015 to address the provision in Section 31502 of MAP-21 to improve the ease-of-use of child restraint anchorage systems in all rear seating positions. The timing of a final rule is undetermined as the agency is currently evaluating comments to determine next steps.

- c. Section 31503 of MAP-21 required that NHTSA initiate a rulemaking proceeding to require rear seat belt reminder systems. NHTSA has not taken any public action on that statutory mandate.

RESPONSE: NHTSA initiated a rulemaking in June 2010 when it published a request for comments notice on rear seat belt reminder systems. The agency is currently drafting the NPRM to address the provision in Section 31503 of MAP-21 and estimates publication in 2018. The timing and content of a final rule will be determined following the public comment process of the NPRM.

- d. Section 24104 of the FAST Act required a rule that would ensure consumers are notified of recalls electronically in addition to by mail. The final rule was due in 2016, but NHTSA has only issued an NPRM so far-also in 2016.

RESPONSE: NHTSA initiated a rulemaking in October 2012 to address the provision in Section 24104 of the FAST Act to allow electronic notification methods for vehicle recalls. An ANPRM was issued by the agency on January 25, 2016, and

was followed with the publication of an NPRM on September 1, 2016. The timing of a final rule is undetermined as the agency is currently evaluating comments to determine next steps.

- e. Section 24112 of the FAST Act required a rule regarding corporate responsibility for NHTSA reports. That rule was due by December 2016.

RESPONSE: NHTSA initiated a rulemaking in December 2015 to address the provision in Section 24112 of the FAST Act for corporate responsibility of reporting to NHTSA. The agency is currently drafting the NPRM and estimates publication in 2018. The timing and content of a final rule will be determined following the public comment process of the NPRM.

- f. Section 24115 of the FAST Act required a rule to ensure that tire pressure monitoring systems cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when the inflation pressure has fallen below a significantly underinflated level. NHTSA has yet to take any action on that requirement.

RESPONSE: NHTSA initiated research in February 2018 to address the provision in Section 24115 of the FAST Act to update the tire pressure monitoring system standards to (a) prohibit means to disconnect and (b) not prohibit either direct or indirect systems. The agency will begin the approved public collection of the research information and data in June 2018 and estimates a completed research report in 2019. The agency will finalize a rulemaking plan after the research is completed.

- g. Section 24322 of the FAST Act required a rule directing manufacturers to include stickers with crash avoidance information in their vehicles. That rule was due in 2016.

RESPONSE: Before NHTSA can initiate rulemaking to change the Monroney labels (vehicle window stickers), NHTSA sought public comment on what and which crash avoidance information would be appropriate for the New Car Assessment Program (NCAP) and to include on the Monroney labels. In 2015, NHTSA initiated activities to address the provision in Section 24322 of the FAST Act requiring the Agency to add crash avoidance information on the Monroney labels. NHTSA announced plans through a Federal Register Notice to update NCAP. One of the key components of that plan was the inclusion of crash avoidance technologies as part of the proposed ratings system for NCAP. The many public comments received in response to the 2015 notice demonstrated a need for improved dialogue regarding the types of information that would be most helpful to consumers and the types of tests and ratings systems that would best suited to achieve program goals. In addition, in this era of unprecedented technological change in vehicle safety in recent years, NHTSA is evaluating how to maintain a program that not only provides meaningful information to consumers, but also encourages vehicle manufacturers to continually prioritize safety innovations. In 2018, NHTSA plans to engage stakeholders on its next actions for NCAP. NHTSA is considering how best to revise the Monroney

label to include information about those crash avoidance technologies that have the potential to reduce crashes and injuries, while also serving as the foundational technologies of automated vehicles. The timing and plans for a NPRM and final rule to add crash avoidance information on Monroney labels will be determined following the agency's public process for developing an update to NCAP.

- h. Section 24403 of the FAST Act required a rule directing manufacturers to retain vehicle safety records. That rule was due over a year ago.

RESPONSE: NHTSA initiated a rulemaking in October 2016 to address the provision in Section 24403 of the FAST Act to amend the requirement for retention of manufacturing records from 5 years to not less than 10 years. The agency is currently drafting the NPRM and estimates publication in 2018. The timing and content of a final rule will be determined following the public comment process of the NPRM.

- i. NHTSA issued a notice of proposed rulemaking for vehicle-to-vehicle communications in January of last year, with comments due in April of last year.

RESPONSE: NHTSA initiated a rulemaking in July 2014 for vehicle-to-vehicle (V2V) communications, which uses on-board dedicated short-range radio communication devices to broadcast messages about a vehicle's speed, heading, brake status, and other information to other vehicles and receive the same information. An ANPRM was issued by the agency on August 20, 2014, and was followed with the publication of an NPRM on January 12, 2017. The next action is undetermined as the agency is currently evaluating comments to determine next steps.

- j. Six years ago, Congress charged the National 9-1-1 Office with issuing \$1.15 billion in grants to help deploy Next Generation 9-1-1. Unfortunately, the 9-1-1 Office has yet to even finalize its grant making rules. In addition to providing the rulemaking details, when can we expect that it will award the grants?

RESPONSE: The 9-1-1 Office anticipates making grant awards before the end of calendar year 2018. These funds will assist States, Territories and Tribes in upgrading infrastructure, equipment and training for 911 call centers.

While the Middle Class Tax Relief and Job Creation Act of 2012 authorized the new grants, the Act specified that funds must come from the Federal Communication Commission's Advanced Wireless Services (AWS-3) auction. These funds became available to NHTSA and the National Telecommunications and Information Administration in September of 2016, allowing the agencies to begin the statutorily required joint rulemaking. The agencies published the notice of proposed rulemaking on September 21, 2017 (<https://www.federalregister.gov/documents/2017/09/21/2017-19944/911-grant-program>). The final grant regulation addressing public comments is currently under review at the Office of Management and Budget.

4. Under the FAST Act, manufacturers were required to include in their Part 573 defect information reports part names, descriptions, and part numbers for all components involved in the defect or noncompliance being reported. It appears that some manufacturers are not complying with that mandate.

- a. A number of these reports failed to include part numbers in their 573 reports, but were accepted by NHTSA. What are you doing to remedy those incomplete reports?

RESPONSE: NHTSA appreciates the FAST Act's language to make recall notices more informative and transparent. In recent years, the number of recalls for vehicle and equipment defects has approached or exceeded 1,000 annually representing tens of millions of items. Manufacturers are required by statute to report all information on the forms. However, not all items of information are required at initial report and information often changes after a manufacturer submits its first notice to NHTSA. While NHTSA is diligent in following up with manufacturers who have not submitted all required information, the agency is creating and implementing new processes and procedures, in addition to updating its data systems, to facilitate these follow-up actions.

- b. When will NHTSA go through its process, including any notice and comment, to adjust the required form to better accommodate input of specific fields of entry of part numbers and other parts identification information? On what date will NHTSA issue this final rule or form so that more specific part information is included in 573 reports?

RESPONSE: While NHTSA plans to update its regulations to reflect this provision of the FAST Act, manufacturers are already required to provide this information and have been since section 24116 came into effect. In other words, manufacturers are required to provide component name, description, and part number information in the Part 573 recall reports they file with NHTSA. In early 2017, NHTSA provided guidance to manufacturers on how to submit this information on Part 573 recall reports. As a result, manufacturers are not only aware of the requirement, they also know how NHTSA expects this information to be shared.

The schedule for completing this rulemaking has not been determined at this time. Although rulemaking has not yet been initiated, NHTSA has been in communications with manufacturers on this requirement. NHTSA has provided guidance to manufacturers that they are required to provide this information on Part 573 recall reports and has explained where on the Part 573 report it should be documented.

5. So far, only Waymo and GM have submitted voluntary safety assessment letters encouraged by NHTSA's Federal Automated Vehicle Policy. I have heard complaints that these submissions are inadequate and that companies are not sharing enough information about the safety of their vehicles with NHTSA or with the public. NHTSA has made it abundantly clear that these assessment letters are voluntary. These assessments may have

little value if they are simply general descriptions of a company's systems and activities. For those companies that do submit safety assessments, is NHTSA requesting additional detailed information to help the agency monitor self-driving cars? If so what information are you requesting?

RESPONSE: NHTSA is aware that several companies are still developing self-assessments. NHTSA is also in routine contact with a number of the companies testing Automated Driving Systems on public roads to understand and discuss their safety methods and approaches to these evolving systems. NHTSA has not established a safety need to request specific information from these entities at this time.

6. In 2015, NHTSA announced plans to update NCAP with valuable new information on vehicles' crash avoidance technologies and their safety in crashes involving pedestrians. But these plans have been stalled for more than two years. On what date will NHTSA issue final revisions to NCAP so that consumers have up-to-date safety information when shopping for cars?

RESPONSE: In 2015, NHTSA announced plans to update the New Car Assessment Program (NCAP). The many public comments received in response to the 2015 notice demonstrated a need for improved dialogue regarding the types of information that would be most helpful to consumers and the types of tests and rating systems that would be best suited to achieve program goals. The Agency has been diligently conducting research in order to best address the comments and better inform the public about the underlying improvements to the program. Furthermore, in this era of unprecedented technological change in vehicle safety, NHTSA is evaluating how to maintain a program that not only provides meaningful information to consumers, but also encourages vehicle manufacturers to continually prioritize safety innovations. In 2018, NHTSA plans to engage stakeholders on its next actions for NCAP. The Agency is considering how best to revise the Monroney label to include information about those crash avoidance technologies that have the potential to reduce crashes and injuries, while also serving as the foundational technologies of automated vehicles.

7. On January 8, 2018, DOT announced two pilot programs to integrate new sources of big data into the agency's analysis of car crashes, with the goal of providing better insights to improve highway safety. One program would incorporate highway speed data from GPS-enabled devices, and the other would integrate traffic crash data from the crowd-sourced mobile app Waze. I certainly support efforts to decrease traffic fatalities, but I do have questions about what personal data might be contained in these datasets.
  - a. What steps are you taking to ensure that the use of these datasets won't infringe on the privacy rights of individual drivers?

RESPONSE: Thank you for your support of our efforts to decrease traffic fatalities. We share your interest in protecting privacy. To that end, both pilot projects are using de-identified datasets under existing use and privacy agreements between the Department and the data providers.



The National Performance Measurement Research Data Set (NPMRDS) includes speeds on the National Highway System and supports the performance measures mandated in MAP-21. It is being examined for any insights it may provide on speed and rural crashes. The data delivered to the Federal Highway Administration (FHWA) does not include any personal information, only average travel times reported every 5 minutes on the National Highway System through the data provider Inrix. There is no personal information or specific vehicle or probe information in the data set procured by FHWA.

In a separate project, Waze incident data is being analyzed for its relationship to State crash data. The Department is using this data under the Waze Connected Citizens Program (CCP) abides by the Waze Privacy Policy (<https://www.waze.com/legal/privacy>). Waze shares publicly available road closure and incident information submitted via the app by Waze users. Waze does not share individual driving history, nor does Waze share non-public user information. The data Waze shares is not linkable to identifiable information. Under the terms and conditions of the Waze CCP, the Department restricts access to data to only those personnel who are authorized to access it and the Department takes steps to ensure that users are bound by the terms and conditions of the Waze CCP (see: <https://sites.google.com/site/wazeccpattributinguidelines/membership-criteria>). The Department does not permit Waze data to be copied or shared with users that are not authorized to access it.

- b. Have you consulted privacy advocates and the Federal Trade Commission for guidance on this matter? If so, when and how are you taking their input into consideration?

RESPONSE: Both projects are internal pilots, and in this preliminary stage we have been in contact with DOT internal privacy officers.

- 8. In September, the National Transportation Safety Board released its findings related to a fatal 2016 crash of a Tesla Model S in Florida. In addition to driver errors, the NTSB determined that the vehicle allowed the driver to disengage from driving for long periods of time. In its report on the 2016 Florida crash, the NTSB made several recommendations to DOT and NHTSA.
  - a. The NTSB recommended that NHTSA "[d]evelop a method to verify that manufacturers of vehicles equipped with Level 2 vehicle automation systems incorporate system safeguards that limit the use of automated vehicle control systems to those conditions for which they were designed." How and when will NHTSA address this recommendation?

RESPONSE: Manufacturers continue to innovate and deploy various approaches that limit the use of Level 2 systems to those conditions for which they were designed. NHTSA recently completed research associated with drivers and their interactions

with these types of systems and expects to release a report on its findings in the coming months. Because the technology is still evolving, NHTSA has not identified a regulatory need at this time but we are actively conducting research in this area. The recently completed research could further inform vehicle designers on some of the potential safety issues that NTSB noted in their examination of the issue.

- b. The NTSB also recommended that DOT "[d]efine the data parameters needed to understand the automated vehicle control systems involved in a crash" including "the vehicle's control status and the frequency and duration of control actions to adequately characterize driver and vehicle performance before and during a crash." The NTSB urged NHTSA to use these parameters "as a benchmark for new vehicles equipped with automated vehicle control systems" so that they capture important data and ensure it is readily available to NTSB investigators and NHTSA, at a minimum. What is NHTSA's plan and timeline for implementation of this recommendation?

RESPONSE: NHTSA has urged SAE International (SAE) to prioritize developing the parameters that may be necessary to reconstruct a crash involving a vehicle equipped with an Automated Driving System. SAE has an active working group on data loggers for automated driving, and NHTSA is engaged as a liaison to the SAE committee on this activity.

- c. The NTSB also recommended NHTSA to "define a standard format for reporting automated vehicle control systems data, and require manufacturers of vehicles equipped with automated vehicle control systems to report incidents, crashes, and vehicle miles operated with such systems enabled." What is NHTSA's plan and timeline for implementation of this recommendation?

RESPONSE: At NHTSA's request, SAE International (SAE) has agreed to take the lead in developing an industry best practice for data that would be necessary to reconstruct crashes involving Automated Driving Systems. Towards this end, SAE established a committee and the work is well underway. NHTSA recently urged this committee to accelerate its work. NHTSA is also serving as a liaison to the SAE committee on this activity.

- 9. In December, your Office of Defects Investigation opened a new case to look into the extraordinarily high failure rate for a Goodyear tire that has been used on motorhomes since 1996. The "G159" tire can overheat at highway speeds, causing tread separation and blowout. The tire has reportedly failed on as many as 1 in 10 motorhomes, resulting in 98 injuries and deaths over the past two decades. And yet NHTSA seems to have been unaware of the problem until very recently.
  - a. Goodyear reported only one death and 13 injuries to NHTSA. Is NHTSA investigating whether Goodyear improperly concealed any critical safety data from the agency? If Goodyear did fail to report required tire failure incidents, what sanctions can and will NHTSA impose on the company?

RESPONSE: Our concerns about the data Goodyear submitted to NHTSA is one of the reasons why we opened our investigation. Goodyear was required to report some of the death and injury incidents under the TREAD Act early warning regulations. The agency also sent Goodyear an information request seeking data during an investigation into Toyo tires failing on Country Coach motorhomes. If our investigation reveals Goodyear failed to report information required by law, NHTSA may demand that Goodyear pay a civil penalty of \$21,000 per violation up to a maximum of \$105,000,000 for a related series of violations.

- b. The ODI Resume indicates that information about the Goodyear G 159 tire failure had been "sealed under protective order and confidential agreements, precluding claimants from submitting it to NHTSA." NHTSA received that information only when a private attorney obtained a court order authorizing release. Even if the claimants in lawsuits against Goodyear were prohibited from reporting the tire failure information to NHTSA, wasn't Goodyear required to do report such information to NHTSA?

RESPONSE: Yes, these are the type of incidents that are required for reporting to NHTSA. One issue present in the case of the G159, however, is that many death and injury claims accrued well before implementation of the TREAD Act early warning requirements. Production of the Goodyear G159 tire at issue began in 1996 and continued through 2003. Goodyear's obligation to report death and injury claims related to the G159 tire under the "Early Warning" requirements of 49 CFR Part 579 began in the second quarter of 2003 and only covered a small portion of the G159 claims. Of course, from the time the first tire was introduced into interstate commerce to the present, Goodyear remained under a continuing obligation to report the existence of a safety-related defect in its product to NHTSA.

- c. The ODI Resume also states that "many of the incidents were not required to be reported under 49 CFR Part 579." Identify each specific provision of that regulation that NHTSA believes exempted Goodyear from reporting any G 159 failure incident and explain why each provision applies. Do you support amending the regulation to close these loopholes in the reporting requirements and, if not, why not?

RESPONSE: At present, NHTSA does not see any loopholes in reporting requirements. Rather, the reason some incidents were not required to be reported under part 579 is because they preceded the part 579 reporting requirements. The Goodyear G159 tire at issue was produced from 1996 through 2003. The final rule establishing the Part 579 "Early Warning" requirements was issued in July 2002. Section 579.26 of Part 579 requires tire manufacturers to report death or personal injury claims in a tire manufactured during the same year the report is due and the four prior production years.

The first reports under the regulation were due in the second quarter of 2003. Tire manufacturers did not have to provide reports on tires manufactured in or before the first quarter of 1999 and are not required to report death or injury claims for tires

more than five years old. NHTSA's current investigation into the G159 tire is examining whether there were any violations of these or other reporting obligations.

- d. Court records reveal that Goodyear has been concealing the tire defect from the public for many years. In July 2017, Goodyear submitted a request to NHTSA for confidential treatment of the information turned over pursuant to court order. The public has a strong safety interest in finally being given access to that information. How have you responded to Goodyear's request for confidential treatment? How have you responded to the January 4, 2018, FOIA request that the Center for Auto Safety filed in this matter?

RESPONSE: We agree that the public has a strong interest in having access to safety information. We denied Goodyear's initial request for confidential treatment for the G159 data by a letter dated February 26, 2018. Goodyear filed an administrative appeal of that decision on April 3, 2018 and that appeal is under review. Because the information sought by the Center for Auto Safety is the information at issue in that appeal, the FOIA request will be processed once a final determination is made on the request for confidential treatment.

10. Last year, the House passed H.R. 3388, the SELF-DRIVE Act, which among other things expands the number and types of exemptions available to automakers. Under section 6 of the bill, a feature of a highly automated vehicle (HAV) for which the automaker is seeking an exemption would have to provide a safety level at least equal to the safety level of the standard for which exemption is sought or would have to provide an overall safety level at least equal to the overall safety of nonexempt vehicles.
  - a. Please detail how NHTSA intends to evaluate the level of safety of a feature of an HAV or of the HAV overall and how NHTSA intends to compare that to the safety level of a current standard or of a nonexempt vehicle.

RESPONSE: The data submitted in association with the exemption request, the specific method or approach NHTSA uses to evaluate the overall safety of the motor vehicle could vary. The agency will seek, evaluate and consider data from test and simulation results and an applicant's approach to system and functional safety, as well as other information that may be relevant.

- b. Does NHTSA currently have procedures or protocols for evaluating exemption requests under 49 USC 30113 as it is today? Please provide copies of such procedures or protocols.

RESPONSE: 49 CFR Part 555 contains NHTSA's procedural regulation for exemption petitions. NHTSA evaluates exemption requests based on based on the information submitted by requesters under that regulation. NHTSA is also evaluating its exemption process in light of advanced technologies and plans to issue a NPRM in 2018.

11. Consumers are concerned about privacy and cybersecurity vulnerabilities that will inevitably come with the increased data collection and connectivity of automated driving systems. And many are concerned about NHTSA's preparedness for these issues. While we have heard about some companies' initiatives, please detail what actions NHTSA is taking to be prepared to address these issues. Is NHTSA hiring or planning to hire privacy or cybersecurity experts? If so, when and how many?

RESPONSE: NHTSA is building its knowledge, internal response mechanisms, and testing capabilities to better evaluate safety issues resulting from cyber incidents. While we are also conducting research in several key areas, we will decide this year on whether to finalize the set of best practices for vehicles. NHTSA has no immediate plans to increase its number of cyber experts.

NHTSA has engaged in an active dialogue with the Federal Trade Commission (FTC), manufacturers, privacy advocates, and other stakeholders about the scope and mitigation of potential data privacy impacts on consumers that could stem from Automated Driving Systems. A recent highlight of this ongoing dialogue was NHTSA's sponsorship with the FTC of the June 2017 workshop examining consumer privacy and security issues posed by automated and connected motor vehicles. Because of its relationship with the FTC, NHTSA does not have current plans to hire additional privacy experts.

12. The Department of Transportation under the Obama Administration established a federal advisory committee called the Advisory Committee on Automation in Transportation (ACAT). The advisory committee was intended to assess the Department's current research, policy, and regulatory support to advance the safe and effective use of autonomous vehicles. It appears that first and only meeting of the ACAT occurred on January 16, 2017. Has there been any other action taken by the ACAT since that meeting on January 16, 2017? Please explain NHTSA's involvement with the ACAT? Please detail the current status of the advisory committee and any other advisory committees involved in the issue of automated technologies. When have they met, when will they be meeting in the next year, and what are their agendas?

RESPONSE: This committee has not met since January 16, 2017. No meetings are currently scheduled. The DOT is currently assessing the charters of this and several other discretionary advisory committees, and if or how they could be best restructured.

13. Last December, NHTSA indicated that it would address industry's petition for changes in how credits toward Corporate Average Fuel Economy standards are earned, banked, and transferred as part of the proposed rulemaking to finalize the 2022-2025 CAFE standards.
- a. Please describe what, if any, changes to CAFE credits are included within the current draft of the notice of proposed rulemaking scheduled for release on March 30, 2018.

RESPONSE: NHTSA is working to complete and issue a NPRM on Corporate Average Fuel Economy standards and all supporting documentation, including information on the credits soon.

- b. We have heard that NHTSA may not meet its timeline of March 30, 2018, for the release of the proposed rulemaking and that it has yet to be sent to the Office of Management and Budget for review. What date will the proposed rule go to OMB and what date will the proposed rule be released to the public?

RESPONSE: NHTSA is working to complete and issue a NPRM on Corporate Average Fuel Economy standards and all supporting documentation, including information on the credits soon.

- c. We have heard that NHTSA is changing, revising or amending the model it is using to draft the proposed rule. Please share that new or revised model. Will you commit to ensuring the new or revised model is made public prior to the release of the proposed rule to the public? When can we expect the new or revised model to be made public?

RESPONSE: NHTSA is working to complete and issue a NPRM on Corporate Average Fuel Economy standards and all supporting documentation, including information on the credits soon.

14. The penalty for noncompliance with CAFE standards has not changed since 1975, when it was set at \$5.50 per one-tenth mile per gallon for each vehicle sold. NHTSA had announced an increase to \$14 effective in 2019, but last July the agency put that increase on hold. A simple adjustment for inflation since 1975 would put that penalty at \$25. On what date will NHTSA issue a final rule on the adjusted penalty, and what will be the effective date? Will NHTSA commit to a penalty of at least \$14 and, if not, what is the basis for a lower penalty?

RESPONSE: NHTSA will issue a final rule regarding the CAFE penalty rate following its review of comments on its proposal to retain the \$5.50 rate. NHTSA's notice of proposed rulemaking (NPRM) proposing to retain the \$5.50 CAFE civil penalty rate is available here: <https://www.regulations.gov/contentStreamer?documentId=NHTSA-2018-0017-0001&contentType=pdf>. The comment period closed on May 2, 2018.

NHTSA has not yet finalized a decision regarding the penalty rate. The civil penalty for CAFE noncompliance was originally set by statute in 1975, and since 1997, has included a rate of \$5.50 per each tenth of a mile per gallon that a manufacturer's fleet average CAFE level falls short of its compliance obligation. As described in the NPRM, NHTSA proposed retaining the \$5.50 CAFE civil penalty rate. The agency proposed a finding that increasing the rate will result in negative economic impact.

15. DOT had been issuing monthly report on significant rules. See <https://cms.dot.gov/regulations/significant-rulemaking-report-archive>. In 2017, those reports were not issued monthly. Can you commit that any major rulemakings out of NHTSA will be reported on a monthly basis?

**RESPONSE:** NHTSA works closely with the Department of Transportation's Office of the Secretary to update the DOT monthly internet report. NHTSA is committed with DOT to the transparency, accuracy and timeliness of its information, including the regulatory portfolio.

**The Honorable Debbie Dingell**

1. The delays in responding and in providing certainty in the regulatory landscape have significant real-world costs to industry, and ultimately to consumers.

It is my understanding that NHTSA receives more than 75,000 consumer complaints each year, and that NHTSA publishes the complaints that arrive in the form of Vehicle Owner Questionnaires (VOQs) on its website with partial Vehicle Identification Numbers (VIN) to protect the privacy of the consumer who complained. However, I understand that NHTSA policy for many years has been to share the full VIN with the manufacturer of that customer's vehicle only after NHTSA opens a defect investigation into the issue that is the subject of the complaint. The manufacturers have said that the VOQ data is significantly less valuable to them without the full VIN, and that they could conduct more robust analyses of the VOQ data earlier if they could have access to the full VIN of the VOQs that involve their own vehicles as soon as those VOQs are made available. This would aid manufacturers in identifying potential safety defects earlier, which in turn would aid NHTSA's mission.

Your budget request states that a goal for FY 2018 is to "enable the Office of Defects Investigation to improve its effectiveness and meet growing challenges to identify safety defects quickly, ensure remedies are implemented promptly, and effectively inform the public of critical information." (NHTSA FY 2018 Budget Request at page 29). In light of this goal, why isn't NHTSA moving forward to make the full VINs available from VOQs to the relevant manufacturers to enable them to help you identify safety defects quickly? What other considerations has NHTSA taken into account on this issue?

**RESPONSE:** Vehicle owner questionnaires (VOQs) contain personal information about the submitter that is protected under the Privacy Act. Because the full vehicle identification numbers (VINs) is linkable to an individual, NHTSA is under an obligation to apply Privacy Act protections in disseminating VOQs. NHTSA is currently evaluating whether sharing a consumer's full VIN with a manufacturer prior to the opening of a defect investigation is consistent with Federal privacy principles.

**The Honorable Doris Matsui**

1. Ms. King, you stated that you were unsure whether an auto manufacturer could meet its CAFE fleet-wide target if it sold solely SUVs, despite the fact that you confirmed these targets take into account vehicle footprint. In fact, NHTSA's CAFE rule says that

"[m]anufacturers are not compelled to build vehicles of any particular size or type (nor do the rules create an incentive to do so)."

My staff had a follow-up conversation with your agency during which NHTSA staff indicated that the situation I described is in fact possible because automakers that build vehicles with larger footprints - like SUVs - have proportionately higher CAFE fleet-wide targets. Do you agree with this characterization from your staff? Given that the mix of trucks, SUVs, and smaller cars actually sold is already factored into the fleet-wide target, adjustment to the standards for sales trends is not necessary, correct?

RESPONSE: The standards inherently adjust to changes in sales trends. Establishing footprint-based average standards for each manufacturer's fleet of vehicles result in each manufacturer's getting an individualized compliance obligation based on the size of the footprints of its vehicles and on the distribution of its vehicles among those footprints. If the manufacturer's fleet has a relatively large percentage of larger footprint vehicles, the manufacturer has a lower miles per gallon (mpg) compliance obligation; conversely, if the manufacturer's fleet has a relatively large number of smaller footprint vehicles, its fleet will have a higher mpg obligation. If, during the model year, sales move toward larger or smaller vehicles, the compliance obligations of each manufacturer will shift in response. Thus, the question of whether a manufacturer can *meet* its compliance obligation has more to do with the fuel economy performance of those vehicles relative to their footprint mpg "target." The issue is really whether consumers have been choosing to buy vehicles that fall "below" their target more often than not. When gas prices are low, this is more likely. If most of the vehicles a manufacturer sells fall short of their targets, especially if that trend is unexpected, the manufacturer will have trouble meeting their compliance obligation. This is part of why we are considering all of these issues afresh in developing the current proposal.

2. I'm a strong supporter of innovative transportation solutions. But I'm concerned that some people conflate autonomous vehicle and connected vehicle technologies. Does NHTSA believe that the deployment of AVs is dependent on the development of vehicle-to-vehicle technology? Do you believe we should be leveraging self-driving technology as soon as it can be deployed safely at a commercial scale in order to improve overall vehicle safety?

RESPONSE: Automated Driving Systems include a variety of sensors, such as cameras and radars, but may not include connected vehicle technologies. NHTSA believes that currently available driver assist systems, such as automatic emergency braking, and Automated Driving Systems, when they become available to the public, hold great promise to improve safety on our roadways. We do recognize that vehicle connectivity may be useful in the future to fully realize the anticipated safety and efficiency benefits of the transportation system. DOT fully supports the use of the currently dedicated spectrum for lifesaving technologies in the transportation sector.